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PRIVATE AND LOCAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-SEVEN.

PUBLISHED BY AUTHORITY.

MADISON:
CALKINS & PROUDFIT, PRINTERS.
1857.

26 1970

LIST OF OFFICERS.

"SECTION 1. * * * *There shall be prefixed to each volume of laws hereafter published the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such laws.*"—GENERAL LAWS 1854, CHAPTER 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	County.
Coles Bashford	Governor	Oshkosh	Winnebago
B. F. Hopkins	Private Sec'y to Governor	Madison	Dane
Arthur McArthur	Lieutenant Governor	Milwaukee	Milwaukee
David W. Jones	Secretary of State	Belmont	La Fayette
John W. Hunt	Assistant do	Madison	Dane
Charles Kuehn	State Treasurer	Two Rivers	Manitowoc
Carl Habich	Assistant do	Madison	Dane
William R. Smith	Attorney General	Mineral Point	Iowa
A. C. Barry	State Superintendent	Rochester	Racine
Mahlon S. Barry	Assistant do	Rochester	Racine
William M. Dennis	Bank Comptroller	Watertown	Dodge
Adolph Menges	Deputy do	Madison	Dane
Edward McGarry	State Prison Commissioner	Waupun	Dodge
Horace Rublee	State Librarian	Madison	Dane
S. W. Barnes	Senator	Watertown	Jefferson
H. C. Bull	..do	Madison	Dane
J. A. Barber	..do	Lancaster	Grant
S. C. Bean	..do	Lake Mills	Jefferson
E. Fox Cook	..do	Sheboygan	Sheboygan
C. S. Chase	..do	Racine	Racine
T. Clark	..do	Manitowoc	Manitowoc
G. E. Dexter	..do	Monroe	Green
M. M. Davis	..do	Portage City	Columbia
A. Greulich	..do	Milwaukee	Milwaukee
E. Gernon	..do	Genesee	Waukesha
H. H. Giles	..do	Stoughton	Dane
L. P. Harvey	..do	Shopiere	Rock

NAMES.	OFFICE.	RESIDENCE.	
		Post Office.	County.
L. Hanchett	Senator	Plover Portage	Portage
L. W. Joiner	do	Wyoming	Iowa
J. T. Kingston	do	Necedah	Juneau
M. L. Kimball	do	Berlin	Marquette
J. C. Mills	do	Elkhorn	Walworth
E. O'Neil	do	Milwaukee	Milwaukee
E. Pier	do	Fond du Lac	Fond du Lac
W. T. Price	do	Black River Falls	Jackson
S. L. Rose	do	Beaver Dam	Dodge
P. H, Smith	do	Appleton	Outagamie
H. J. Schulties	do	Ozaukee	Ozaukee
C. L. Sholes	do	Kenosha	Kenosha
P. B. Simpson	do	Shullsburg	La Fayette
J. Sutherland	do	Janesville	Rock
B. S. Weil	do	Schlesingerville	Washington
E. Wheeler	do	Oshkosh	Winnebago
W. Wilson	do	Menominee	Dunn
Arthur McArthur	Lt. Gov. & Pres. of Senate	Milwaukee	Milwaukee
Thomas S Allen	Member of the Assembly.	Mineral Point	Iowa
John Anunson	do	Winchester	Winnebago
D M Aspinwall	do	Farmington	Jefferson
Geo R Atherton	do	Clinton	Rock
Henry W Barnes	do	Wiota	La Fayette
M S Barnett	do	Rosendale	Fond du Lac
Q H Barron	do	Fox Lake	Dodge
G M Bartholomew	do	Lodi	Columbia
F K Bartlett	do	Milwaukee	Milwaukee
Lathrop Burgess	do	Salem	Kenosha
George Cairncross	do	Pewaukee	Waukesha
James Catton	do	Burlington	Racine
D D Cameron	do	La Crosse	La Crosse
Wm Chappell	do	Watertown	Jefferson
Kendall P Clark	do	Portland	Jefferson
Theo Conkey	do	Appleton	Outagamie
Edgar Conklin	do	Green Bay	Brown
Henry Converse	do	Wyocena	Columbia
Hopewell Coxe	do	Hartford	Washington
Thos Cuningham	do	Clark's Mills	Manitowoc
R W Davison	do	Beverly	Dane
N W Dean	do	Madison	Dane
James H Earnest	do	New Diggings	La Fayette
E Enos, Jr	do	Waukesha	Waukesha
Lewelyn J Evans	do	Racine	Racine
Albert W Emory	do	Potosi	Grant
James Fagan	do	Cedarburg	Washington
Robert C Field	do	Richland City	Richland
Lucius G Fisher	do	Beloit	Rock
E A Foot	do	Footville	Rock
E N Foster	do	Mayville	Dodge
Joachim Gulick	do	Ora-Oak	Grant
T W Hall	do	Monroe	Green
Sam'l D Hastings	do	Trempealeau	Trempealeau
C S Hawley	do	Waukesha	Waukesha
George Hawley	do	Poysippi	Waushara

NAMES.	OFFICE.	RESIDENCE.	
		Post Office.	County.
Herman Haertel	Member of the Assembly.	Milwaukee	Milwaukee
P D Hayward	do	Kingston	Marquette
F W Horn	do	Cedarburg	Ozaukee
R H Hotchkiss	do	Plymouth	Sheboygan
O C Howe	do	Lowville	Columbia
Jasper Humphrey	do	Milwaukee	Milwaukee
R E Hutchinson	do	Prairie du Chien	Crawford
Geo A Jenkins	do	Charlestown	Calumet
John A Johnson	do	Stoughton	Dane
Ephraim Knowlton	do	Highland	Iowa
Joseph Langworthy	do	Mauston	Juneau
James M Lewis	do	Oconomowoc	Waukesha
F S Lovell	do	Kenosha	Kenosha
P C Lutkin	do	Whitesville	Racine
Robt P Main	do	Oregon	Dane
Z P Mason	do	Sheboygan	Sheboygan
O T Maxson	do	Prescott	Pierce
Wm P McAllister	do	Omro	Winnebago
Andrew McCormick	do	Milwaukee	Milwaukee
Joseph T Mills	do	Lancaster	Grant
Fred Moscowitz	do	Milwaukee	Milwaukee
W M Morse	do	Alderley	Jefferson
Joseph Nelson	do	Raymond	Racine
David Noggle	do	Janesville	Rock
J F Ostrander	do	Aztalan	Jefferson
Benj F Phillips	do	Mukwa	Waupaca
Peter Potter	do	Leroy	Dodge
J D Reymert	do	Milwaukee	Milwaukee
James Reynolds	do	Milwaukee	Milwaukee
Hanmer Robbins	do	Platteville	Grant
Anson Rood	do	Stevens Point	Portage
E L Runals	do	Ripon	Fond du Lac
Philetus Sawyer	do	Oshkosh	Winnebago
A Scott Sloan	do	Beaver Dam	Dodge
E B Stevens	do	Sturgeon Bay	Door
Wyman Spooner	do	Elkhorn	Walworth
G W Stone	do	Winooski	Sheboygan
George Strong	do	Hudson	St Croix
Moses M Strong	do	Milwaukee	Milwaukee
John B Sweat	do	Black Earth	Dane
Thomas Sugden	do	North Prairie	Waukesha
Allen Taylor	do	Fairplay	Grant
Jonathan Taylor	do	Milwaukee	Milwaukee
H A Tenney	do	Madison	Dane
M J Thomas	do	Fond du Lac	Fond du Lac
C F Thompson	do	Monticello	Green
James G Train	do	Merrimack	Sauk
Wm H Tripp	do	Janesville	Rock
James Vollmar	do	West Bend	Washington
S W Voorhees	do	Sharon	Walworth
Davis H Waite	do	Princeton	Marquette
Solmons Wakeley	do	Whitewater	Walworth
C H Walker	do	Manitowoc	Manitowoc
Aaron Walters	do	Foster	Fond du Lac

NAMES.	OFFICE.	RESIDENCE.	
		Post Office.	County.
R B Wentworth	Member of the Assembly.	Juneau	Dodge
Abram West	do	Reedsburg	Sauk
Joseph White	do	Cottage Inn	La Fayette
S A White	do	Ozaukee	Ozaukee
John D Wilbor	do	Fond du Lac	Fond du Lac
David Williams	do	Springfield	Walworth
J J Williams	do	Lowell	Dodge
Arthur McArthur	Lt. Gov. & Pres. of Senate	Milwaukee	Milwaukee
Wyman Spooner	Speaker of the Assembly.	Elkhorn	Walworth
Wm H Brisbane	Chief Clerk of Senate	Arena	Iowa
Harrison Reed	Assistant do	Neenah	Winnebago
W C Webb	Chief Clerk of Assembly.	Wautoma	Waushara
E B Quiner	Assistant do.	Watertown	Jefferson

PRIVATE AND LOCAL LAWS

OF THE

STATE OF WISCONSIN.

Chapter 1.

An Act to extend the time for the collection of taxes in the city of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the city of Fond du Lac is hereby extended twenty days beyond the time within which returns are now by law required to be made; *Provided*, That this act shall not be so construed as to alter the time for the payment of the State tax to the county treasurer as said city treasurer was required before the passage of this act. Time extend'd for collect'n of taxes.

SEC. 2. The city treasurer of the city of Fond du Lac shall have the same power to collect all taxes in arrears in said city, by levy and distress or otherwise, as heretofore provided by law, within the time specified in the first section of this act; at the expiration of which said time he is hereby required to make return of his warrant and doings in the premises as is now required by law. City Treasurer's duty.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 17, 1857.

Chapter 2.

An Act to provide for a special assessment and collection of taxes in the town of Lewiston and county of Columbia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To make out an assessment roll.

SECTION 1. The town assessor of the town of Lewiston, in the county of Columbia, is hereby authorized and empowered to make out an assessment roll of all the taxable personal property and real estate therein, and appraise the same in the manner now prescribed by law.

When to complete the same.

SEC. 2. The assessor shall complete the assessment roll of said town as now prescribed by law, and certify and deliver the same to the town clerk of said town on or before the first day of March, A. D. 1857.

Town Clerk's duty.

SEC. 3. The town clerk of said town, within ten days after the delivery of the assessment roll, as provided by section two of this act, shall calculate and carry out the amount of taxes chargeable to said town, in the manner prescribed by section 50, chapter 15 of the revised statutes.

Town Clerk to deliver to treasurer a certified statem't.

SEC. 4. Upon the completion of the assessment roll, the town clerk, within six days thereafter, shall deliver to the treasurer of said town a certified statement, as provided in section forty-eight of chapter fifteen of the revised statutes, and shall in all things complete said assessment roll in the manner prescribed by law, and shall make out a fair copy of the same and deliver to the town treasurer of said town, together with the warrant of collection, as provided by sections fifty-one and fifty-two of chapter fifteen of the revised statutes.

Duty of Treasurer.

SEC. 5. The town treasurer, upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and make return in all things in the manner prescribed by law, within thirty days after said tax list and warrant are placed in his hands.

Shall not conflict.

SEC. 6. This act shall in no wise interfere with the manner or time of making assessments or the collection of taxes in said town, except as herein provided.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved January 21, 1857.

Chapter 3.

An Act to authorize the city of Portage to construct a toll bridge across the Wisconsin river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts repealed.

SECTION 1. The act entitled "An act to incorporate the Portage Bridge Company," approved March 29th, 1855, and the act amendatory thereof, approved March 25, 1856, are hereby repealed.

May construct a bridge.

SEC. 2. The city of Portage is hereby authorized to construct and maintain a bridge across the Wisconsin river on section seven (7), in township twelve (12) north, of range nine (9) east, in said city, and for that purpose to borrow money, and issue the bonds of the said city for the payment of the same, to such an amount as may be necessary, not exceeding thirty-five thousand dollars.

Width of same

SEC. 3. Said bridge shall not be less than twenty feet wide, and shall have a draw of at least fifty feet, across the most navigable channel of the river, so constructed as at all times to admit the free passage of rafts and vessels navigating said river, without unnecessary delay. Said bridge shall be provided with a double track for wagons and a single track for foot passengers, and shall have a good and substantial railing on each side.

City bonds.

SEC. 4. The city bonds issued in pursuance hereof shall be payable in not less than eight years, nor more than sixteen years from the date thereof, and shall bear interest at a rate not exceeding ten per cent per annum, payable annually or semi-annually, as the council of said city of Portage may deem best.

Rules for the government of bridge.

SEC. 5. The said city is hereby authorized and empowered to make all needful rules and regulations about said bridge and the use of the same, and for the term of thirty years after the completion of said bridge, to demand and collect toll for crossing the same at the following rates, or at such less rates as the common council of said city may establish, to wit: For any vehicle drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents. For any foot passenger, five cents. For every horse and rider, ten cents. For all animals in droves, up to fifty head, two

Toll.

cents each, and for each animal over fifty, one cent each; and for hogs and sheep, there shall not be charged more than one cent per head.

Funds — how disposed of.

SEC. 6. All funds arising from tolls, or from the use of said bridge, shall be paid over to the city treasurer at least once in each month, and shall be kept by him separate and apart from all other funds, and shall not be paid out except upon orders drawn upon that specific fund.

Same.

SEC. 7. The funds arising from the use of said bridge, after paying for the care and maintenance thereof, shall be applied as follows: first, to pay the yearly interest upon the said city bonds, and thereafter, to redeem said bonds as fast as the said funds will allow.

Council in certain cases to levy a tax.

SEC. 8. In case the revenue from the use of said bridge shall not be sufficient to pay the annual interest on said bonds, the mayor and common council of said city shall annually levy and collect a tax upon the taxable property of said city, in the same manner as other city taxes are levied and collected, to pay said interest, or so much thereof as cannot be paid by the funds accruing from the use of said bridge; and the said mayor and common council may also levy taxes, at such times as they may deem proper, in the same manner, to pay the principal of said bonds, that may not be realized from the revenue derivable from said bridge. The money thus raised shall be kept separate from all other funds, and shall be applied for the purpose for which it was raised, and no other.

Bridge Commissioner—his duty.

SEC. 9. From and after the passage of this act, and until said bridge shall be fully completed and finished, the present bridge stock commissioner of the city of Portage shall be the bridge commissioner of said city, and shall have the entire charge and superintendence of the work. It shall be his duty as such bridge commissioner, to make all necessary contracts for the building of said bridge, and to see that such contracts are faithfully executed; to negotiate the bonds of the city on the best terms in his power; and to apply the proceeds in paying the contractors upon said bridge, from time to time, according to the terms of such contracts; and to make a report of his doings to the city council once in each three months, or oftener if required by said council so to do. Said commissioner, before entering on his duties, shall give a bond to said city, with sufficient sureties, to be approved of by the common council

Bond.

of said city, in a penalty at least equal to the bonds to be delivered to him, to secure the faithful performance of his duties. In case said commissioner should die before the completion of said bridge, or should fail to give bond as required in this act, or if from any cause he should fail, refuse, or neglect to act as such commissioner, it shall be the duty of the common council of said city to elect, by ballot, a bridge commissioner, whose term of office shall end with the completion of said bridge, and who shall have all the powers above specified in this section, and shall be subject to the requirements and liabilities herein named. To fill vacancy

Sec. 10. The mayor and common council of said city, after the completion of said bridge, shall annually elect a bridge commissioner, who shall hold his office for one year and until his successor is elected and qualified, and in case a vacancy occurs, it may be filled for the balance of the term; *Provided*, That any such bridge commissioner may be removed from office by the common council of said city at any time for improper conduct in office, and thereupon a successor be elected, who shall hold office for the unexpired portion of the term of the one so removed. Such commissioner shall have the general care and superintendence of said bridge, and of its use and repairs, under such rules and regulations as shall be fixed by ordinances of said city. He shall also be required to give bond to said city in such sum as the common council may direct, for the faithful performance of his duties, and to pay over as required by law or the ordinances of said city all moneys that come into his hands as such commissioner, which bond shall be approved by the council of said city, and shall be filed with the clerk of said city. After completion to elect a bridge commissioner annually, &c.

Sec. 11. Any person or persons who shall maliciously injure said bridge, shall forfeit and pay to said city therefor a penalty not exceeding five hundred dollars, besides the actual damage done; and any person or persons who shall forcibly or fraudulently pass over said bridge without paying the legal toll, shall forfeit and pay a penalty to said city of the sum of five dollars; said penalties to be enforced and collected in the same manner as penalties for the violation of the ordinances of said city. Penalty for injury to bridge.

Sec. 12. This act shall take effect from and after the day of its passage.

Approved January 23, 1857.

Chapter 4.

An Act to legalize the tax roll of the town of Beloit, in the county of Rock, for the year, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax roll declared legal—and power to extend time granted.

SECTION 1. The tax roll of the town of Beloit, in the county of Rock, the warrant annexed to which bears date the 5th day of December, A. D. 1856, is hereby declared to be a legal tax roll, any delay in making out the same by the town clerk, or any clerical defects, errors or inaccuracies, or any failure on the part of the treasurer of said town to give notice in respect to said roll, to the contrary notwithstanding. And in case the board of supervisors of said town shall, prior to the twenty-sixth day of January, eighteen hundred and fifty-seven, make an order extending the time for the collection of taxes on said roll, pursuant to the provisions of chapter fifteen (15), of the general acts of the Legislature of Wisconsin, for the year 1856, the collector of taxes in said town shall have the same power and authority to levy and collect the taxes set down upon said roll, by distress and sale of the goods and chattels of the persons and corporations taxed on said roll, from and after the date of the order for extending the time as aforesaid as under the original warrant.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1857.

Chapter 5.

An Act to extend the time for the collection of city, ward, and special taxes in the city of Watertown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Taxes—time extended.

SECTION 1. The time for the payment and collection of all city, ward, and special taxes levied and assessed

in the city of Watertown, in the county of Jefferson, for the year 1856, is hereby extended to the second Monday of March next.

Duty of Treasurer.

SEC. 2. The city treasurer of said city shall give notice, and proceed to collect said taxes, in the way and manner provided in and by chapter seven of the city charter; and all the actings and doings of said treasurer in the collection of said taxes, and the return and sale of property for the non-payment of taxes, and all other acts of said treasurer done and performed under and by virtue of the provisions of said chapter, shall be as valid and effectual as if the same had been done within the time prescribed in said chapter, and this act had not been passed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 30, 1857.

Chapter 6.

An Act to extend the time for collecting taxes in the city of Beloit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Taxes — time extended.

SECTION 1. Section eleven of chapter five of an act entitled "an act to incorporate the city of Beloit," approved March 31st, 1856, is hereby so amended as to allow the treasurer of the city of Beloit the same time to collect city, county, town, state, and all other taxes, that is now by law allowed town treasurers; and at the expiration of such time, such city treasurer is hereby authorized to enforce collection of such taxes in the manner specified in section eleven and twelve of said chapter five.

SEC. 2. This act shall be in force from and after its passage.

Approved January 31, 1857.

Chapter 7.

An Act to amend the tax roll, and to levy a special tax in Joint School District No. 2, towns of Primrose and Perry, in Dane county, and for other purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To amend tax roll and levy a special tax.

SECTION 1. The clerk of the town of Primrose, in the county of Dane, is authorized and required within six days from the passage of this act, to amend the tax roll for the year 1856, in the hands of the treasurer of said town, so as to levy upon the taxable property in joint school district No. 2, in said town, the amount of tax voted to be raised by a school meeting held in said district in pursuance of law, for school house purposes, and certified to said clerk by the clerk of said district. Said tax-roll, when so amended, shall be immediately returned to said town treasurer.

Duty of Treasurer.

SEC. 2. Upon the receipt of amended tax-roll, the treasurer of said town shall proceed to collect the same in the same manner as other taxes are collected by law. The time for collecting the same is hereby extended until the second Monday of March next.

Superintendent to apport'n school money.

SEC. 3. The superintendent of public instruction is authorized and required to apportion to joint school district No. 2, in the towns of Primrose and Perry, in the county of Dane, the amount of public money said district would have been entitled to, had a school been kept in the same during the first year for the term required by law.

SEC. 4. This act shall take effect and be in force immediately after its passage.

Approved January 31, 1857.

Chapter 8.

An Act to extend the time for the collection of taxes, and to extend the time for the sale of land for unpaid taxes in the city of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extend'd for collection of certain tax.

SECTION 1. That the time specified for the collection of a tax levied by the city council of the city of Kenosha, in pursuance of an ordinance passed on the sixteenth (16th) day of August in the year A. D. 1855, entitled "an ordinance in relation to a tax in aid of the Kenosha and Beloit railroad," is hereby extended to the second Monday in March, in the year A. D. 1857; and for any tax which shall hereafter be levied in pursuance of said ordinance, the time for collecting the same shall be and hereby is extended to the second Monday in March of each year succeeding said levy.

Return & sale of lands.

SEC. 2. On the second Monday of March of each year succeeding the levy of any tax under said ordinance, returns of lands for unpaid taxes shall be made to the treasurer of the county of Kenosha. Said county treasurer shall advertise such returned lands the time now required by law, and cause sale thereof on the second Tuesday in May of each year.

Time for return extended.

SEC. 3. That the time specified for the return of lands for unpaid taxes in the city of Kenosha, except such as arise from the ordinance set forth in section one of this act, shall be and the same is hereby extended to the last Tuesday in February in each year.

Approved January 31, 1857.

Chapter 9.

An Act to legalize the assessment rolls of the city of La Crosse.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Assessment legalised.

SECTION 1. The assessment rolls of the city of La Crosse, for the year 1856, are hereby declared to be

valid and legal to all intents and purposes, notwithstanding any informality in making out the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 31, 1857.

Chapter 10.

An Act to extend the time for the collecting taxes in the counties of Adams and Juneau.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Taxes—time for collection extended.

SECTION 1. The time for collecting taxes in the counties of Adams and Juneau, is hereby extended sixty days beyond the time now required by law, and the treasurer of the several towns shall have the same right to levy on property and sell the same within said time so extended as is now allowed by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

Approved January 31, 1857.

Chapter 11.

An Act to authorise Bark River Joint School District No. 5, of the towns of Ottawa and Summit, in Waukesha county, to collect a tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax for school purposes.

SECTION 1. The clerk of Bark river joint school district No. 5, of the towns of Ottawa and Summit, is hereby authorized and required to make a tax list from the last assessment rolls of the towns of Ottawa and Summit, of the taxable property in said school district, and

assess thereon a tax of one hundred and sixty dollars, being the amount of tax voted to be raised at the last annual meeting in said district, and annex thereto a warrant directed to the treasurer of said district, commanding him to collect said tax within thirty days from the date thereof.

Tax—when to be collected.

SEC. 2. It shall be the duty of the said treasurer to proceed to collect the said tax within the time above limited; and the said treasurer is hereby authorized to levy and collect said tax by distress and sale of the goods and chattels of the persons taxed in the same manner that town treasurers are authorized to proceed in the collection of taxes.

Unpaid taxes.

SEC. 3. In case any such tax should remain unpaid at the expiration of said thirty days, it shall be the duty of such district treasurer to make return thereof to the town clerk of the town in which the property taxed may be situated, and annex to said return an affidavit that the said taxes remain unpaid, and the town clerk shall assess such tax upon the property against which the same was originally levied by the said district clerk, to be collected with other taxes in the next tax list to be issued to the town treasurer, and the same shall be paid over to the treasurer of said school district by said town treasurer.

SEC. 4. This act shall be in force from and after its passage.

Approved January 31, 1857.

Chapter 12.

An Act to provide for a new assessment and the collection of taxes in the town of Westford, in the county of Dodge, for the year 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

New assessment.

SECTION 1. On or before the fifteenth day of February, 1857, the supervisors of the town of Westford, in the county of Dodge, shall ascertain the names of all the taxable persons in their town, and all their taxable personal property, and all taxable real estate therein on

the first day of June, 1856, and shall make out an assessment roll of all such taxable property, and appraise the same as hereinafter mentioned.

When to complete assessm't roll.

SEC. 2. The said supervisors shall complete the said assessment roll on the said fifteenth day of February, 1857, on which day, at nine o'clock in the forenoon, they, or a majority of them, shall meet at the place where the last town election was held in said town, for the purpose of reviewing such assessment, and shall continue such review from day to day, as may be necessary for that purpose, not exceeding three days.

May increase or diminish value of real estate, &c.

SEC. 3. The said supervisors may increase or diminish the aggregate valuation of the real estate in said town, so as to conform to the equalization of assessments adopted by the county board of supervisors of said county at their annual meeting in the year 1856, and as soon as such assessment roll has been so reviewed and completed, shall immediately deliver the same, so completed, together with a certificate of the amount of state, county, and school tax, to the town clerk of said town, and said town clerk shall thereupon immediately calculate and carry out the total amount of such taxes, together with all town and other local taxes, adding thereto five per cent for expense of collection, and shall make a fair copy of such assessment roll, and deliver the same, together with a warrant for the collection thereof, to the town treasurer of said town, upon his executing the bond and delivering the receipt required by law.

Town Clerk's duty.

Duty of Treasurer.

SEC. 4. The said town treasurer shall thereupon immediately post up notices in four of the most public places in said town, that he has received such assessment roll and warrant, and that upon all taxes paid within fifteen days his fees for collecting will be two per cent, and after that time five per cent.

Time extended.

SEC. 5. The time for the collection of taxes in said town is hereby extended to the 25th day of March, 1857.

When lands shall be sold for taxes.

SEC. 6. All lands upon which the taxes shall not have been collected on or before said twenty-fifth day of March, 1857, shall be returned to the county treasurer in the manner required by law, and the county treasurer shall immediately advertise the same for sale on the second Tuesday of May, 1857, and shall sell the same as provided by law; and all the provisions of chapter 15, of title 5, of the revised statutes, entitled

"of the assessment and collection of taxes," shall apply to and govern all proceedings under this act, so far as applicable, except as herein provided.

SEC. 7. This act shall take effect from and after its passage.

Approved January 31, 1857.

Chapter 13.

An Act to authorize the city of Fond du Lac to aid in the construction of the Sheboygan and Mississippi Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. Benjamin F. Moore, S. E. Lefferts, Peter Pupp, John Bannister and D. E. Haskins are hereby appointed a board of commissioners for the purpose of aiding in the construction of a railroad authorized to be made from the city of Sheboygan westwardly by the way of Fond du Lac to the Mississippi river, and known as the Sheboygan and Mississippi Railroad.

Elect a President, &c.

SEC. 2. Said commissioners shall previous to the transaction of any other business, elect one of their number president, one treasurer, and shall also appoint a secretary. The president when present shall preside at all meetings of the board for the transaction of business, and the secretary shall keep a record of all doings of said board. All meetings of said commissioners shall be held at such time and place as shall be designated by a majority of them.

Commissioners may borrow money to aid a certain railroad, and invest same in capital stock, &c.

SEC. 3. The said commissioners are hereby authorized to borrow two hundred thousand dollars upon the credit of the city of Fond du Lac, for twenty years or less, in such sums as they may deem proper, at a rate of interest not exceeding ten per cent. per annum, payable annually in the city of New York, for the purpose of investing the same in the capital stock of the Sheboygan and Mississippi Railroad Company, and to issue therefor the bonds of the city of Fond du Lac as hereinafter mentioned, and in case the said money or any part thereof shall not be so borrowed, to subscribe

for so many shares of said capital stock of said railroad company, that the amount of the same at their par value shall be equal to two hundred thousand dollars, and to pay for the same in the bonds of the said city, payable as above specified, in lieu of investing the said sum or any part thereof in the capital stock of said railroad company, the said board of commissioners are hereby authorized to loan the credit of said city to the said company to the amount of two hundred thousand dollars for a length of time not exceeding twenty years, and at a rate of interest not exceeding ten per cent. per annum, and to receive the convertible bonds of said company to secure the said city and such other security as shall be agreed upon and approved by said board of commissioners.

Stock, bonds, etc., pledged for the paym't of principal.

SEC. 4. The shares of stock in said railroad company or the bonds and other securities of said company taken by said city, and all dividends and interests arising from the same are hereby pledged for the payment of the principal and interest of said city bonds; ***Provided, however***, That the board of commissioners may sell such shares of stock or such bonds and other securities of said company, but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said city bonds.

Proviso.

Tax to pay interest.

SEC. 5. The city council of the city of Fond du Lac shall annually levy a tax upon all the taxable property of said city, sufficient to pay the interest of such bonds after deducting the dividends received by said city on said shares of stock, or the interest on said bonds of said company, and in any year when said bonds shall become due the said city council shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due after deducting any and all sums received by said city on the sale of shares of stock or of the bonds of said company or dividends not exceeded in the payment of interest.

Railroad Commissioners and election of Directors.

SEC. 6. The said board of commissioners shall annually appoint one railroad commissioner who shall attend the annual or special meetings of the stockholders of said railroad company for the election of directors thereof or for transacting any other business, and shall be entitled to cast one vote for every share of stock which said city shall hold in said railroad company, and in case of his absence or inability to attend, to appoint in

writing under their hands some other person who shall have the same power.

To vote on issue of bonds.

SEC. 7. No bonds shall be issued in pursuance of the provisions of this act, nor shall the credit of the city be loaned to said railroad company, until a majority of the legal voters of said city voting upon said question, shall vote in favor of the same at an election called by the said city council for that purpose. At such election, those voting in favor, shall vote a ballot with the words inscribed thereon, "For the railroad;" and those voting against, shall vote a ballot with the words inscribed thereon, "Against the railroad." The city council shall give at least ten days' notice of the time and place of holding said election, by publishing the same in all the newspapers printed and published in said city; and this act shall be published in connection with such notice. Said election shall be conducted, and the returns thereof made and canvassed in the same manner as an election for city officers in said city.

Signing of bonds and registry of same.

SEC. 8. The said bonds shall be signed before issued, by the president and secretary of said board of commissioners, and countersigned by the mayor of said city of Fond du Lac, who shall keep a correct register of all bonds so countersigned by him. The said bonds when signed and countersigned as aforesaid, shall be in the hands of any *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said city of Fond du Lac, according to the tenor and effect of said bonds; *Provided*, That no bonds shall be issued except by order of a majority of said commissioners at a meeting of said board, and which order shall be entered upon the records of their proceedings. Proviso.

Contracts—in name of city.

SEC. 9. All contracts entered into by said commissioners shall be made in the name of the Fond du Lac railroad commissioners, shall be signed by the president and secretrry of said board; and all contracts shall be made by consent of a majority of said board, or by some person duly authorized by a vote of the majority of the said board, at a meeting of the same.

To fill vacancy

SEC. 10. Whenever any vacancy shall occur in said board of commissioners, by resignation, death, or removal from said city of Fond du Lac, of any of said commissioners, it shall be filled by an election by the remainder of said board, of some freeholder of said

city; and a majority of said commissioners shall constitute a board for the transaction of any business authorized to be done by said board.

Commissioners to make an annual statement.

SEC. 11. It shall be the duty of said board of commissioners on or before the first Tuesday of April in each year, to render a specific statement of their doings to the common council of the said city of Fond du Lac, verified by the oath of the president of said board; and said statement shall also show the sum of money that will become due for interest or principal, or both, upon the bonds of said city, issued by them as aforesaid, for the ensuing year, and the place where the same is payable, and what sum of money so to become due, will be required to be raised by a tax upon the taxable property of said city.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved January 31, 1857.

Chapter 14.

An Act to extend the time for the collection of taxes in Manitowoc county for 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Taxes—time for collection extended.

SECTION 1. The time for the collecting and returning of the taxes assessed in the year 1856, in the county of Manitowoc, by the several town treasurers, and by the county treasurer, and for advertising and selling lands returned for the non-payment of said taxes, is hereby extended to sixty days after the time now required by law.

SEC. 2. This act shall go into effect immediately on and after its passage.

Approved February 4, 1857.

Chapter 15.

An Act to amend an act entitled "An act to incorporate the Milwaukee City Insurance Company," approved March 18, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Management.

SECTION 1. The affairs of the Milwaukee City Insurance Company shall be managed by a board of fifteen directors, who shall be stockholders, and shall be chosen as hereinafter provided, and by such other officers, clerks, and agents, as the said directors may from time to time appoint or employ. The next election of directors shall be held at the time and in the manner now provided in the by-laws of said company, and immediately after such election shall be held, the directors elected thereat shall divide themselves, by lot, into three classes, so that there shall be five directors in each class. The term of office of the first class shall expire one year from the date of their election; the term of office of the second class shall expire two years from the date of their election; and the the term of office of the third class shall expire three years from the date of their election; and from and after the next election of directors of said company, there shall be elected annually, at the time which is or may be prescribed by the by-laws of said company for that purpose, five directors of said company, who shall hold their offices for three years from the time of their election. All directors of said company may hold their offices until their successors shall be duly elected. All elections for directors of said company hereafter to be held, shall be held under the direction of three inspectors, who shall be stockholders of said company, but not directors thereof, and who shall be appointed by the board of directors. The board of directors shall appoint, from their number, a president and a vice-president; and in the absence of the president, the vice-president shall possess all the powers and be charged with the duties of president. The board of directors may appoint such other officers and agents as they may deem necessary for the transaction of the business of the company, who shall be subject to removal at the pleasure of the board of directors.

Election of directors.

Classification of office.

Inspectors of election.

President, &c.

Repealed.

SEC. 2. Section three of the act of which this is amendatory, and such other parts of said act as conflict herewith, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1857.

Chapter 16.

An Act to amend chapter 299 of the private and local laws for the year 1855, entitled "an act to incorporate the Sugar River Valley Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Further powers granted.

SECTION 1. The Sugar River Valley Railroad Company, in addition to the powers granted by act of the Legislature, approved March 29, 1855, entitled "An act to incorporate the Sugar River Valley Railroad Company," shall have the power to locate, construct, and operate a railroad, with a single or double track, from the point fixed upon by the board of directors of said company for the commencement of their road, pursuant to provision contained in section eight of said act of incorporation, thence southerly to such point on the line dividing the States of Illinois and Wisconsin as the board of directors of said railroad company shall determine; *Provided*, That such point shall not be east of the line dividing the county of Green from the county of Rock, nor west of the west line of the town of Spring Grove, in said county of Green.

Proviso.

May enter upon any land, etc.

SEC. 2. The said Sugar River Valley Railroad Company shall have the right to enter upon and take possession of and use any land, not exceeding one hundred feet in width, for surveying, locating, or constructing the main track of said road between the points named in section one of this act, and all necessary side tracks, turn-outs, and connecting tracks, doing thereto no unnecessary damage; and said company shall also have power to enter upon, take possession of and use any lands adjoining or adjacent to such main tracks, beyond

the limits of one hundred feet in width, for the purpose of erecting station and depot buildings and other buildings and fixtures, for the transaction of the business of said company.

To pay damages for taking land.

SEC. 3. All damages sustained by any person or persons for using or taking any lands or property, as provided in the preceding section, shall be ascertained and paid for in the manner prescribed and agreeably to the provisions contained in the act to which this act is amendatory.

Northern terminus.

SEC. 4. The northern terminus of the railroad authorized to be built by the act of which this is amendatory shall be the city of Madison, in the county of Dane, and all the provisions of the act of which this is amendatory, in relation to entering upon, taking, and making compensation for lands, for surveys, right of way, and construction, and all other provisions of said act respectively, not inconsistent herewith, shall apply as well to the extension of said railroad hereby authorized as to the main line of the road of said company.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 11, 1857.

Chapter 17.

An Act to authorize the Chicago, St. Paul and Fond du Lac Railroad Company and the Wisconsin and Superior Railroad Company, to consolidate.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Consolidation of certain railroads.

SECTION 1. The Chicago, St. Paul and Fond du Lac Railroad Company, a corporation created under the laws of the States of Illinois and Wisconsin by consolidation of the Illinois and Wisconsin Railroad Company in the State of Illinois, and the Rock River Valley Union Railroad Company in the State of Wisconsin, and the Wisconsin and Superior Railroad Company, a corporation created by the laws of Wisconsin, are hereby authorized and empowered to consolidate the capital stock of

the two companies and to make the two companies one, and to place the affairs and property of the two companies under the direction of one board of directors of not less than thirteen and not more than seventeen upon such terms and conditions as may be mutually agreed upon a majority of each of the two boards of directors of said companies respectively; *Provided*, That the stockholders representing a majority of the stock in each company to be thus consolidated consent to such consolidation. And the affairs, property and business of the consolidated companies hereby created, shall be conducted, managed and carried on by the two boards of directors of said companies, jointly, acting as the board of directors of said consolidated company, until the election of directors of the consolidated company on the first Tuesday of October in the year one thousand eight hundred and fifty-seven as provided in sectin four (4) of this act. And thereafter the directors so elected, shall have all the powers of the joint board aforesaid. In the joint board aforesaid each director holding such office in both of the boards thus jointly acting, shall be entitled to two votes on any question before the board, unless otherwise ordered by the respective boards in agreeing upon the terms of consolidation aforesaid.

Proviso.

When transfer takes place:

SEC. 2. Whenever the said two companies shall have agreed to consolidate, and settled the terms thereof in writing, in some form in their discretion, either by resolutions of their respective boards of directors or by written agreement executed by some person or persons duly authorized in behalf of said companies, and when they shall have deposited with the secretary of state a certificate of the fact of such consolidation, signed by the president of each of the companies aforesaid, therefrom and thereafter all the rights, franchises, privileges, grants, conveyances, powers, immunities, property, and causes of action of the said Wisconsin and Superior railroad company and of the said Chicago, St. Paul and Fond du Lac railroad company, and also of the said two former companies, heretofore consolidated, to-wit: The said Illinois and Wisconsin railroad company, and the said Rock River Valley Union railroad company, shall be, and the same are hereby declared to be thereby transferred to, conferred upon, merged in, belong to, and be the property of, and be owned by the said consoli-

dated company thus created, and the capital stock of the said consolidated company shall be the aggregate of the capital stock of the said two companies so consolidated with power to increase the same to a sum not exceeding fifteen millions of dollars or the whole cost of its line of railroad and other property. And the said consolidated company thus created shall be and is hereby declared to be a body politic and corporate under the name of the Chicago, St. Paul and Fond du Lac railroad company; and may under such name contract and be contracted with, sue and be sued, plead and be impleaded with, and may take and enforce the right of way according to and in pursuance of the law applicable to either of the said companies so consolidated. After the certificates of consolidation aforesaid, shall have been filed as aforesaid with the secretary of state, he is required whenever requested so to do, and on payment of his fee, to make an official certificate, that the aforesaid companies, are consolidated into one company, and corporation under the name aforesaid, and such certificate shall be evidence in any court of law or equity, or wherever proof is required of the fact of such consolidation, and that said consolidated company is a body corporate, with all the powers, privileges, rights, property and causes of action by virtue of this act conferred upon or required by said company. All rights or causes of action which either of the aforesaid companies have or might have before consolidation, may be prosecuted or defended after such consolidation in the name of the said Chicago, St. Paul and Fond du Lac railroad company, (the name of the consolidated company) in the same manner, with the same rights, as if said consolidated company had been an original party to such cause of action when the same arose and occurred, and any person or corporation having any claim or demand against either of said companies on or before such consolidation, may after such consolidation have and maintain suit therefor in any court having jurisdiction thereof against the said consolidated company after such consolidation.

Capital stock.

Name.

Certificate of consolidation, etc.

Actions—how prosecuted.

SEC. 3. The said consolidated company hereby created shall be entitled to and invested with the title and ownership of all the lands, and all and singular the rights, privileges and immunities granted or conferred by the act of Congress, approved June 3d, A. D. 1856, entitled

Consolidated Company entitled to land grant.

"An act granting public lands to the State of Wisconsin, to aid in the construction of railroads in said State," to the extent of the whole of the lands granted by said act of Congress for the purpose of aiding in the construction of a railroad from Fond du Lac, on Lake Winnebago, northerly to the state line, as fully and completely as the said Wisconsin and Superior railroad company is by its charter entitled to and invested with the same; subject, however, to all the terms, conditions, restrictions, limitations, impositions, duties and obligations contained in the charter of said Wiconsin and Superior railroad company and in said act of Congress, as far as the same are applicable to the consolidated company hereby created; *Provided, however*, That the consolidated company hereby created shall not be required to pay any greater sum for taxes relatively than any other railroad companies in this state are required by law to pay, excepting upon that portion of their line of railroad indicated in the said act of Congress, which shall be and remain as provided in the charter of said Wisconsin and Superior railroad company.

Proviso.

Annual election of directors.

SEC. 4. The consolidated company hereby created shall hold an annual election of directors, at a place to be selected in one of the counties of the State of Illinois, or of this State, through which the said railroad passes. The first election shall be held on the first Tuesday of October, A. D. 1857, and notices of all annual and special meetings shall be given to the stockholders, by publication in one or more newspapers published in the cities of Chicago, Milwaukee and New York, for thirty days prior to such election.

Corporations, etc, authorized to loan their credit to consolidated company.

SEC. 5. All municipal corporations, towns, villages or cities, which have been or may be authorized to loan their credit or subscribe to the capital stock of the Chicago, St. Paul and Fond du Lac railroad company, or to the Wisconsin and Superior railroad company, are hereby authorized to loan their credit to or subscribe to the capital stock of the consolidated company hereby created, to the same extent and on the same terms as by law said corporations, towns, villages or cities are now authorized to loan their credit to or subscribe to the capital stock of the Chicago, St. Paul and Fond du Lac railroad company.

May form running connec-

SEC. 6. Any railroad company in this State, whose route shall cross, intersect, come up to, or in contact

with the route of the said consolidated railroad company, at any point at or north of the city of Fond du Lac, shall have a right to have running connections with the said consolidated railroad company, upon fair and just principles, to be adjusted by the superintendents of said companies. In agreeing upon the terms of such running connections, the tariff rates for passengers and freight per mile shall be so adjusted that the said consolidated railroad company shall have no advantage in the transportation of freight or passengers to Chicago, over any other railroad connecting as aforesaid in this State, running to any city or town on Lake Michigan. And if the superintendents of said consolidated railroad company and such connecting railroad shall be unable or shall fail to agree upon the terms of such running connections, they shall each select a railroad superintendent, and the two thus selected, if they can, shall choose a third person, and if they cannot agree, then such third person shall be selected or appointed by the Governor,—all of whom shall be in no way interested in either company. And they, or a majority of them, shall adjust the terms of such running connections and such tariff rates, and provide for suitable penalties and forfeitures. Such determination shall be reduced to writing and signed by said arbitrators, and one copy delivered to each of said companies, and the same shall be final and conclusive upon both parties. Connections with other roads, etc.

SEC. 7. This is hereby declared to be a public act, and the same, immediately after the passage thereof, shall be printed by the state printer, and when thus published, shall take effect and be in force. Public act.

Approved February 12, 1857.

Chapter 18.

An Act to provide for the collection of school tax in District No. 4, in the town of Center, in Lafayette county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number four, in the town of Center, in the county of Lafayette, is hereby author- Tax for school purposes.

ized and empowered, by its officers, to levy and collect the amount of taxes voted to be raised by said school district at the annual school meeting in said district for the year A. D. 1856; and for the purpose of levying and collecting said taxes, chapter nineteen of the revised statutes is hereby revived, and the officers of said district shall proceed under the provisions of said chapter to collect said taxes.

Duty of Treasurer.

SEC. 2. The treasurer of said school district shall return the delinquent tax of said district to the county treasurer of said county, and said treasurer shall proceed to collect said delinquent tax in the same manner as other delinquent taxes are collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1857.

Chapter 19.

An Act for the relief of School District No. 1, Sheboygan Falls.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax for school purposes.

SECTION 1. The district clerk of school district No. one, Sheboygan Falls, is hereby authorized to assess and make out a tax list of the tax of four hundred dollars, which was voted at the last annual meeting of said district, pursuant to section 32, of chapter nineteen, of the revised statutes of this State, and annex to such tax list a warrant under his hand, directed to the treasurer of said district, requiring him to collect the sums therein named; and the district treasurer for the said district is hereby authorized to collect the tax contained in the said tax list, in pursuance of the said chapter nineteen of the revised statutes of this State. And for the purpose of the levy and collection of said tax and making return thereof, said chapter nineteen of the revised statutes is hereby revived; but said chapter is not revived for any other purpose whatever.

SEC. 2. This act shall take effect and be in force from and after its passage, any law of this State to the contrary notwithstanding.

Approved February 12, 1857.

Chapter 20.

An Act to extend the time for the collection of taxes in the county of Oconto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time by law limited for the collection of taxes, and return thereof by the treasurer, is hereby extended for the county of Oconto to the third Monday of March next. Time extended.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1857.

Chapter 21.

An Act to change the name of the North Western Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "An act to incorporate the North Western Insurance Company," approved April 1, 1853, being chapter 166, of the private and local laws of 1853, is hereby amended by striking out the North Western, where it occurs in said act, and inserting the name "Merchants and Traders." Name chang'd to Merchants and Traders.

SEC. 2. The corporators named in said act, and the company organized thereby, shall have all the rights, powers and privileges, and be subject to the same lia- Subject to same restrictions.

bilities and restrictions under the name of "Merchants and Traders Insurance Company," that they have and are subject to under the name of "North Western Insurance Company."

When to commence business.

SEC. 3. Section 2 of an act to which this is amendatory is hereby amended, that whenever one thousand shares of said stock is subscribed for, and ten per cent. in cash paid in, and the remainder of said stock secured as provided by the act to which this is amendatory, the said company shall have the right to commence business.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved February 12, 1857.

Chapter 22.

An Act to amend an act entitled "An act to incorporate the Kenosha and Beloit Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name of a railr'd chang'd

SECTION 1. The corporate name of "The Kenosha and Beloit Railroad Company," is hereby changed to "The Kenosha and Rockford Railroad Company," by which name it shall be hereafter known and recognized in all courts and places.

In relation to route.

SEC. 2. It shall not be necessary for the said company to construct a railroad to the city of Beloit, but the said company shall have power to construct the railroad authorized by the act, to which this act is amendatory, from the city of Kenosha, to such point on the State Line, between this State and the State of Illinois, at or near the village of Genoa, in the county of Walworth, as the board of directors shall direct and determine.

SEC. 3. This act shall take effect from and after its passage.

Approved February 14, 1857.

Chapter 23.

An Act to establish and maintain a Ferry across the Menominee river in Oconto county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized keep a ferry.

SECTION 1. Stephen Stimpson and Edwin B. Quiner and their associates and assigns, their heirs and personal representatives, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the Menominee river, in the county of Oconto, at or within two miles of the mouth of said river.

Regulations.

Toll.

SEC. 2. Such ferry shall be subject to such regulations as other ferries are by law subject, and the proprietors thereof shall be entitled to receive, for crossing any vehicle or conveyance drawn by two horses or oxen, the sum of fifty cents; for any vehicle or conveyance drawn by one horse or other animal, twenty-five cents; for each additional horse or ox, fifteen cents; for man and horse, twenty-five cents; for cattle or horses in droves, or without vehicles or conveyances, ten cents per head; for hogs and sheep in droves, five cents per head; for foot passengers, ten cents each.

SEC. 3. No other ferry shall be licensed or established on said Menominee river within two miles of the mouth of said stream.

SEC. 4. This act shall take effect from and after its passage.

Approved February 17, 1857.

Chapter 24.

An Act to prevent obstructions in the Big Suamico river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Big Suamico river declared a highway.

SECTION 1. That so much of the Big Suamico river as lies below or eastwardly of the section line be-

tween sections twenty and twenty-one, in township twenty-five, range twenty, in Brown county, be and is hereby declared a public highway; and that portion of said river so declared, shall be subject to the same regulations, and enjoy the same immunities as other navigable streams within this State.

Obstructions.

SEC. 2. That no dam or other obstruction shall be placed by any person or persons in said river, unless the same shall be constructed so as to permit the passage of all logs, timber, or other lumber without unnecessary delay; and that the owner or owners of any dam now erected within the said limits, shall, before the commencement of the season for running logs in the spring of 1857, provide the same with a good and sufficient slide or chute, not less than twenty-five feet in width, for the passage of all descending logs, lumber and timber on the same, without detention, free of all charges to the owners thereof.

Persons obstructing river liable for damages.

SEC. 3. Any person or persons obstructing said river, except as aforesaid, or the owner or owners of any dams who shall fail to comply with the provisions hereof, shall be liable to pay all damages to owners of any logs or lumber, arising from detention, or unnecessary delay in the passage of the same, to be collected from the owner or owners of such obstructions in any action of debt, in any court having competent jurisdiction in the amount of damages.

SEC. 4. This act shall take effect from and after its passage.

Approved February 17, 1857.

Chapter 25.

An Act to legalize the organization of the borough of Fort Howard and to amend the Charter thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Elections declared valid.

SECTION 1. The acts of the citizens of the borough of Fort Howard, in holding an election in the month of November last for the election of officers for said

borough, created by the charter thereof, are hereby declared and made legal and effectual in every respect, to make the persons receiving a majority of the votes at such election for each office, legal officers of such borough, which they are hereby declared to be. The term of office of each of said officers shall be until the second Tuesday of April, A. D. 1857, and until their successors are elected and qualified and no longer.

Acts of officers declared valid.

SEC. 2. All the official acts of each and every one of the said officers of said borough since the said election, are hereby declared legal and valid, for all purposes whatever.

Amendment to charter.

SEC. 3. Section third of the act entitled an act to incorporate the borough of Fort Howard, approved October 13th, 1856, is hereby so amended, that the first annual election of officers under said charter, shall be held on the second Tuesday of April, A. D. 1857, and thereafter on the second Tuesday of April in each year.

SEC. 4. This act shall take effect from and after its passage.

Approved February 17, 1857.

Chapter 26.

An Act to incorporate the Newport Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That S. S. Barlow and Jonathan Bowman, and such other persons as may become associated with them for the purpose of building a bridge, as provided by this act, be and they are hereby created a body corporate, by the name of the Newport Bridge Company,

Style.

and by that name may sue and be sued, plead and be impleaded in all courts and places, contract and be contracted with, may have a common seal, and alter the same at pleasure, and shall have power to purchase,

Powers.

hold and transfer real and personal estate, to the value of thirty thousand dollars, and shall have all other powers and franchises necessary for carrying into effect the provisions of this act.

Capital stock.

SEC. 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each, and the said S. S. Barlow and Jonathan Bowman are hereby appointed commissioners, under the direction of whom books shall be opened to receive subscriptions to the capital stock of said company, at such time and place as may be agreed upon by said commissioners, and such books shall be kept open during the pleasure of said commissioners.

Location of a bridge.

SEC. 3. The said company shall have full power and authority to construct and maintain a bridge across the Wisconsin river, on section fifteen, in township thirteen north, of range six east, of the fourth principal meridian. *Provided,* Said bridge shall not be located further up said river than lot ten, in block twelve, of the village of Newport, of the county of Sauk, Wisconsin.

Bridge—how to be constructed.

SEC. 4. The said bridge shall have a draw of at least fifty feet, across the navigable channel of the river, so constructed as at all times to admit the free passage of rafts and vessels navigating said river, and without unnecessary delay. The superstructure shall not be less than ten (10) feet above high water mark, with spans of not less than one hundred and fifty feet, and shall have a draw so constructed as at all times to admit the free passage of boats and vessels navigating said river, without unnecessary delay, and shall cross at right angles with said river.

Toll.

SEC. 5. The said company shall have power, for the term of thirty years after the completion of the bridge, to demand and collect toll for crossing the same, as follows:

For any vehicle drawn by one horse or ox, a sum not exceeding twenty cents, and for each additional horse or ox, a sum not exceeding ten cents. For foot passengers, a sum not exceeding three cents each. For a single horse and rider, a sum not exceeding fifteen cents. For all animals in droves of less than fifty head, a sum not exceeding two cents each, and for all over fifty, a sum not exceeding one cent each; *Provided,* That for hogs and sheep there shall not be charged more than one cent per head.

By-Laws.

SEC. 6. Said company shall have power to make all by-laws for the regulation of its affairs, not inconsistent with the laws of this State or of the United States, and

shall keep posted up in some conspicuous place on their bridge a list of the rates of toll allowed by this act.

Supervisors of certain towns authorised to subscribe to capital stock.

SEC. 7. The board of supervisors of the town of Newport, in the county of Columbia, and the board of supervisors of the town of New Buffalo, in the county of Sauk, are hereby authorized to subscribe for and in behalf of said towns respectively, to so much of the capital stock of said company, and to purchase such portions of said stock as may be deemed necessary by said boards of supervisors for the building of the bridge, and other purposes contemplated by this act; which said stock so subscribed and purchased shall not exceed the sum of fifteen thousand dollars for said towns, and to pay the same in bonds of the said towns, accompanied by the proper interest warrants or coupons, and said bonds shall be signed by the chairman of the town boards of supervisors and countersigned by the town clerk, and payable at a time specified therein, not exceeding fifteen years from the date thereof, with interest at a rate not exceeding twelve per cent per annum, payable annually at such place as may be therein named.

Supervisors aforesaid to levy a tax to pay interest on such bonds, etc.

SEC. 8. The boards of supervisors of said towns respectively, if they shall issue said bonds, shall annually levy a tax upon the taxable property of said towns sufficient to pay the interest upon such bonds, together with the expenses of collecting and paying over the same, after deducting any dividends that may be due to said towns upon said shares of stock subscribed for by them, and the treasurers of said towns respectively shall collect the said tax and apply the proceeds thereof to the payment of the interest due on the bonds so issued by said towns.

Stock of towns pledged for the payment of principal, etc.

SEC. 9. The shares of stock in said company that shall be issued to said towns so subscribing, and all dividends arising therefrom, shall be by the terms of said bonds irrevocably pledged for the payment of principal and interest upon said bonds; *Provided*, That the boards of supervisors of said towns so subscribing may sell such shares of stock, and apply the proceeds to the payment of interest and principal on the bonds so issued by said towns.

Tax for payment of principal.

SEC. 10. When the principal sum named in such bonds shall become due, the boards of supervisors of said towns respectively, so having issued them, shall

levy a tax upon the taxable property of such towns sufficient for the payment of such principal sum, with the expenses of collecting and paying over the same, and such tax shall be collected and paid over in the same manner as the tax mentioned in the eighth section of this act.

Bridge Commissioners.

SEC. 11. The boards of supervisors of said towns so subscribing, shall each annually appoint one bridge stock commissioner, who shall reside in said towns respectively, and shall attend all the annual and special meetings of the stockholders of said company, and shall be entitled to cast one vote for every share of stock which said towns may hold in said company; and in case of the absence or inability to attend of any such commissioner, he may appoint, in writing, under his hand, some other person, who shall have the same power.

Towns to vote on issue of all bonds.

SEC. 12. No bonds shall be issued by said towns in pursuance of this act until a majority of the legal voters of the town voting upon the question, shall have voted in favor of such issue; the election for that purpose may be called by the supervisors of the respective towns, or be ordered to be held on the day of the annual town meetings; but in either case notice of the election shall be posted up in five public places in each of the said towns for twenty-one days preceding such election; the notice shall specify the amount of the bonds proposed to be issued by the said town, the length of time they are to run, the rate of interest they shall bear, and the purpose for which they are to be issued. At such election, those voting in favor of the proposition shall deposit a ballot containing the words, "For the bridge;" and those voting against it, shall deposit a ballot containing the words "Against the bridge." The election shall be conducted and the votes shall be canvassed and certified in the manner as the votes given at the annual meeting.

Management.

SEC. 13. The affairs of the said company shall be managed by a board of nine directors, to be elected at such times and in such manner as shall be prescribed by the by-laws of said company, whose term of office shall continue one year and until others shall be elected. The board of directors of said company shall have power and authority to make and declare said bridge free, whenever a majority of all the legal votes of the

corporation shall so determine; such determination to be indicated in the manner to be prescribed by the by-laws of said company upon the question.

SEC. 14. This act shall take effect from and after its passage, and all acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 20, 1857.

Chapter 27.

An Act to incorporate the Kenosha Pier Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ephriam S. Elkins, Samuel Hale, and Harvey Durkee, and their associates, successors and assigns, are hereby constituted a body corporate and politic, by the name of the "Kenosha Pier Company," for the purpose of keeping and maintaining piers erected in lake Michigan, at the city of Kenosha, with the warehouses and out-buildings thereto attached, keeping the same in repair or re-building the same as they may deem necessary, and doing thereon wharfing, warehousing and other business thereto appertaining; and for that puspose they may, by their corporate name, sue and be sued, plead and be impleaded, appear, prosecute and defend in all courts and actions whatsoever; may have a common seal, and the same alter or renew at pleasure, and may purchase, hold, mortgage, lease, transfer, and convey any real or personal estate, and enjoy all the privileges incident to corporations. Corporators. Style. Objects and powers of corporation.

SEC. 2. The persons named in the first section of this act shall be the first board of directors of said body corporate, and shall hold their places as such directors until their successors are elected as hereinafter provided. The said directors shall cause a book to be opened and kept, containing the names of all persons who are stockholders of said company, showing their residence, and the number of shares of stock held by each respectively, and the time when they respectively became First directors. Register of stockholders.

owners of said shares, which book shall be kept open for the inspection of stockholders at all usual hours of business.

Capital stock.

SEC. 3. The capital stock shall be divided into not exceeding five hundred shares of one hundred dollars each, and the said company may provide for the sale and transfer thereof in such manner and form as they may deem expedient.

First meeting—by whom called.

SEC. 4. The first meeting of said corporation shall be called by the persons named in this act, at such time and place in said city of Kenosha, on or before the first day of March, 1857, as said persons may elect; and at such meeting a board of directors of three shall be chosen among the stockholders, by ballot; each share of stock shall be entitled to one vote, and a majority of votes cast shall be necessary for an election. Such

Directors.

board of directors so elected shall take charge of and conduct all the business and affairs of said company, subject to such rules and regulations as may be adopted by the stockholders, and shall hold their offices for one year, and until their successors are elected; and they may make such rules and regulations in relation to the management of the affairs of said company as they may deem expedient, not inconsistent with the rules made by the stockholders, or the constitution and laws of this State, or the United States.

Debts.

SEC. 5. Said company shall not at any time contract debts to an amount exceeding the capital stock of said company.

SEC. 6. This act shall take effect from and after its passage.

Approved February 20, 1857.

Chapter 28.

An Act to amend an act entitled "An act to incorporate the Manitowoc, Two Rivers and Mishicott Plankroad Company," approved March 18, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section thirteenth, of chapter one hundred and seventy, of the private and local laws of 1856, is hereby amended by striking out from the said section the word "five," and inserting in lieu thereof the word "four."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1857.

Chapter 29.

An act to amend an act in relation to the La Crosse and Milwaukee Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. So much of section two of an act entitled "An act to amend an act entitled an act to incorporate the La Crosse and Milwaukee Railroad Company," approved March 28, 1856, is hereby repealed as is in the following words, to wit: "The said company may, after the route of the said railroad shall be located and determined, offer, by its agents, to pay to the owner or owners of any lands which by the provisions of act the said company is authorized to enter upon, take, possess, occupy, or use, or to any person claiming any interest in such land, and if any such owner or person claiming any interest in such lands, shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then to the guardian of such minor, *non*

from thence to the village of Stevens Point, in the county of Portage by the most direct route.

Compensation.

SEC. 2. Said commissioners shall be entitled to receive such compensation for their services from the counties through which the road may run as the board of supervisors of said counties may allow; *Provided*, That no compensation shall be allowed for locating any portion of said road over roads already located; *And, provided*, That no part of the expense of laying said road be paid by the State.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 20, 1857.

Chapter 32.

An Act to amend an act entitled "An act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of sixth ward.

SECTION 1. All the territory now included in the sixth ward of the city of Milwaukee which lies east of the centre of seventh street as extended to the northern boundary of said city, shall hereafter constitute and be the sixth ward of the city of Milwaukee, and all the territory now included in the sixth ward of said city which lies west of the centre of seventh street as extended to the northern boundary of said city, shall hereafter constitute and be a new ward, to be called the ninth ward of the city of Milwaukee, and the said sixth and ninth wards hereby created shall have all the rights and privileges, and be subject to the same regulations, laws, and ordinances as the other wards in said city, and shall be entitled to elect the same officers.

Ninth ward.

Election of aldermen in the sixth & ninth wards.

SEC. 2. At the next annual charter election in the city of Milwaukee there shall be elected in the sixth ward, hereby created, one alderman, who shall hold his office for two years, and one alderman who shall hold his

office for one year; and there shall be elected in the ninth ward hereby created, one alderman who shall hold his office for two years, and two aldermen who shall hold their respective offices for one year, and annually thereafter there shall be elected in each of the aforesaid wards, one alderman who shall hold his office for two years, and one alderman who shall hold his office for one year, and the alderman elected for two years in the sixth ward, at the last city election, shall continue and be an alderman for the said sixth ward hereby created for the remainder of his term of office, and it shall be the duty of the common council at the next city election, to appoint three inspectors of election in each of said sixth and ninth wards, and to designate the places for holding the election in said wards.

Inspectors of elections.

SEC. 3. It shall be the duty of the comptroller of the city of Milwaukee to apportion the amount of city indebtedness, now charged to the sixth ward of the city of Milwaukee, between the sixth and ninth wards hereby created in proportion to their equalized assessment rolls for the year 1857, and to credit the said sixth ward the amount to be charged to the ninth ward. It shall further be the duty of said comptroller in case the expenditures for work done or materials furnished for ward improvements by the aldermen of the fifth or sixth wards in said city before the acts for dividing said wards are to take effect, shall exceed the amount of the respective ward funds, for such ward applicable for ward purposes for the fiscal year ending April 1st, 1857, or if there shall be any surplus of such ward funds, to apportion such excess or deficiency, if any, between the several wards formed by the division of said wards, in the ratio of the equalized assessment rolls of said wards for the year 1857, and to charge or credit, as the case may be, to the proper wards respectively, the just apportionment so made. The public park or square now belonging to the second and sixth wards jointly, shall continue to be the property of said wards, and shall be improved by said wards jointly.

City Comptroller to apportion indebtedness of the wards.

Public Park

SEC. 4. The mayor and common council of the city of Milwaukee are hereby authorized and empowered at the time of levying other taxes for the year 1857, to levy a special tax on all taxable property in the several wards of said city for ward purposes, not exceeding one per cent. in addition to the tax now authorized by law

To levy a special tax.

council are hereby authorized to issue the bonds of said city, of such denomination as they may deem proper, bearing such interest, not exceeding twelve per centum per annum, and payable at such time and place as they may deem advisable, not exceeding ten years from the date of such bonds.

Sealing and signing bonds.

SEC. 3. Such bonds shall be issued under the seal of said city, signed by the mayor, and countersigned by the clerk of said city, and may be negotiated by such person as said mayor and common council shall authorize for that purpose.

Annual tax to pay interest

SEC. 4. It shall be the duty of said mayor and common council, to levy such sum annually, as will be sufficient to pay the interest on said bonds, which amount shall be levied and collected in the same manner as other city taxes are levied and collected, and the good faith of said city shall stand pledged for the punctual payment of the interest on said bonds, and their ultimate payment at the expiration of the time for which such loan may have been obtained.

Tax to pay principal.

SEC. 5. At or before the time when said bonds become due, it shall be the duty of said mayor and common council to levy a tax sufficient to pay the same, in the same manner as aforesaid.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 35.

An Act to amend chapter 286 of the session laws of 1853, entitled "An act to incorporate the Winnebago Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to act incorporating Winnebago Railroad Company

SECTION 1. Section eight of an act entitled "An act to incorporate the Winnebago Railroad Company," approved April 2nd, 1853, be and the same is hereby so amended as to read as follows: The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point

in the city of Oshkosh, to such eligible point in Portage City, in the county of Columbia; and the said company shall have power to transport, take, and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct, and put in operation all such turnouts, side and connecting tracks as they shall think necessary and proper; also, to build, erect, construct and maintain all warehouses, car houses, engine, machine, and other shops, toll-houses, and all other fixtures useful for the accommodation of said road and of those using it, and to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running or using said road; and they shall have power to connect said railroad with any other railroad coming in contact therewith, and to operate the same in connection with such other railroad or railroads, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of said railroad or any of its branches, to be built or owned by said company.

Contravening sections are repealed.

SEC. 2. All portions of the section hereby amended contravening the provisions of the foregoing section are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 36.

An Act for the relief of School District No. 2, in the town of Pensaukee, Oconto county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax for school purposes.

SECTION 1. The district clerk of school district number two, in the town of Pensaukee, Oconto county, is hereby authorized to levy the tax which was voted at

the first meeting in said district, as provided in chapter nineteen of the revised statutes of this State; and the district treasurer for said district number two is hereby authorized to collect the tax hereby authorized to be levied, as provided in the said chapter nineteen of the revised statutes of this State; and so much of the provisions of the said chapter nineteen of the revised statutes of this State as are necessary to carry out the purposes of this act, are hereby revived for that purpose, and for none other.

SEC. 2. This act shall take effect from and after its passage.

Approved February 23, 1857.

Chapter 37.

An Act authorizing the city of Sheboygan to loan its credit in aid of certain railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To loan credit of city to aid certain railroads.

SECTION 1. The common council of the city of Sheboygan are hereby authorized to loan the credit of said city, by issuing its bonds to aid in the construction of certain railroads leading from said city, and particularly to the Sheboygan and Mississippi Railroad Company, and any branch thereof, and the Milwaukee and Superior Railroad Company, companies duly incorporated and organized under the laws of this State; *Provided*, That there shall not be loaned to either of said railroad companies, under the provisions of this act, an amount exceeding two hundred and fifty thousand dollars; *And provided further*, That no portion of the bonds issued pursuant to the provisions of this act, shall be issued or delivered except upon the terms and conditions and in the manner prescribed by this act.

Proviso.

Bonds—terms

SEC. 2. Every bond authorized to be issued by this act shall be for a term not less than ten nor more than twenty years, for a rate of interest not exceeding seven per cent per annum, payable semi-annually, both interest and principal payable in the city of New York, and

shall be signed by the mayor of said city and countersigned by the clerk of said common council, under the corporate seal of said city.

Railroad Company to secure city by bond for its faithful payment of interest, etc.

SEC. 3. Before the issue to any such railroad company of any bonds mentioned in the first section of this act, such railroad company shall execute to the treasurer of said city, for the use and benefit thereof, the bond of said company, under the authority of its board of directors, signed by their president and countersigned by their secretary, under the corporate seal of said company, in a penal sum at least double the amount of the par value of the bonds proposed to be issued to such company, with the condition and covenant that such company shall punctually pay and discharge the principal and interest moneys of such bonds, as they shall severally become due, and fully indemnify and save harmless the said city against all payments, liabilities, losses, damages and expenses, which it may incur or sustain in consequence of the issue and delivery of such bonds or any portion.

Mortgage to city on road for performance of conditions of bond.

SEC. 4. To secure the performance of the covenants and conditions of the bond mentioned in the preceding section, such company shall at the same time execute and deliver to the treasurer of said city, for the use and benefit thereof, a mortgage, executed in due form of law, of the first section or division of the railroad of the said railroad company, next to the city of Sheboygan; and if said bonds mentioned in the first section of this act shall be issued to aid in the construction of a branch of the Sheboygan and Mississippi Railroad, then upon the first section or division of such branch of said railroad company nearest to said city, in length not less than ten miles nor more than forty-five miles, and not less than one mile in length for every seven thousand five hundred dollars of the bonds issued by said city in aid of such railroad company, which mortgage shall convey such portion of such railroad, its equipments, real estate, buildings, personal property and franchises, as well that thereafter to be acquired and constructed as that already acquired or constructed, and shall contain therein covenants of warranty of title thereto, and shall be the first lien or mortgage upon said property, subject only to a first and prior mortgage of the same property for a sum not exceeding twelve thousand five hundred dollars per mile for every mile of road em-

braced therein, to be ascertained by dividing the aggregate amount of the par value of the bonds secured by such prior mortgage by the number of miles of the road embraced in the same.

The Common Council to receive further security, etc.

SEC. 5. It shall be the duty of the said common council, and they are hereby authorized to require and receive from any such railroad company, before the issue and delivery of any of the bonds mentioned in the first sections of this act, such further and additional security or securities, either personal or real, as may in the judgment of the common council be requisite to fully secure and indemnify said city against all liabilities on the bonds proposed to be issued to such railroad company, and in case of the default or neglect of any such railroad company to pay the whole or any part of the principal or interest moneys of the bonds issued to such company, the said common council shall have the power to collect or foreclose the bond and mortgage extended by such company to said city, and also to collect, sell, or dispose of all and every security received from such company, and apply the proceeds thereof, in payment of the interest or principal of such bonds, and said common council may from time to time surrender, release and discharge all and every such additional security, and receive such other securities in lieu thereof, as in the judgment of said common council may be safe and proper.

When bonds shall be issued

SEC. 6. No bonds shall be delivered to any railroad company until at least ten miles of that portion of road mortgaged to the said city, by such company to secure the payment of such bonds shall have been constructed by such company, nor thereafter shall they be delivered faster than the work of construction of such portion of said road shall progress, nor shall there at any time have been delivered to such company more than five thousand dollars in value of bonds at par, for every mile of such portion of road constructed, until the whole portion of said road so mortgaged shall be constructed; but such bonds of said city may be issued and delivered to said railroad companies, or either of them; *Provided*, Other equivalent securities shall be furnished therefor or in lieu thereof.

Faith of city pledged.

SEC. 7. The faith of the city of Sheboygan is hereby irrevocably pledged for the full and punctual payment of the principal and interest of every such bond which

shall be issued in pursuance of this act, and the common council of the said city shall have the power to provide for the payment of the whole, or any part of said principal and interest, and it shall be their duty to provide for the payment of any portion thereof, which shall not be paid or provided for by any railroad company, for whose benefit the same were issued, by levying and collecting from time to time such special tax or taxes on the real and personal property in said city of Sheboygan liable to taxes as may be sufficient to pay and discharge the same, which taxes shall be levied and collected in the same manner as other city taxes.

Vote on issue of bonds.

SEC. 8. Before the issue or delivery of any bonds to any railroad company in pursuance of this act, the ordinance providing for such issue or delivery, shall be submitted to and approved by the voters of the city of Sheboygan, at an election for that purpose, to be called by the common council of said city, of which at least two weeks notice shall be given, by publishing the same together with a copy of such ordinance in all the newspapers published in said city; such election shall be held at the usual places of holding city elections, and shall be conducted and the votes returned and canvassed in the same manner as at other city elections; the votes at such election shall be by ballot on which shall be written or printed the words "for the railroad ordinance," or the words "against the railroad ordinance," and if a majority of the whole number of votes cast at such election, shall be "for the railroad ordinance," then the bonds whose issue or delivery shall be provided for in such ordinance, may be issued and delivered, and not otherwise.

Must vote on issue of bonds to one Company at a time.

SEC. 9. The common council of said city shall not in the same ordinance or resolution, nor at the same meeting authorize the issue or delivery of any of its bonds to but one of said railroad companies, nor shall any ordinance or propostion providing for the issue or delivery of such bonds be submitted to the voters of said city for their approval within fifteen days after any other ordinance or proposition providing for the issue or delivery of any bonds to the same or any other railroad company, shall have been submitted.

Shall not be issued till this act is publish'd

SEC. 10. No ordinance shall be passed authorizing the issuing of any bonds by said city in pursuance of this act in aid of any railroad company until this act

shall have been published at least two weeks in the official papers of said city, and all ordinances for the issuing of any bonds, or changing the tenure of the securities offered by any railroad company, shall be passed by a majority of the votes of all the members elect of the city council of said city of Sheboygan, on at least one weeks notice of such intention to introduce said ordinance; and any railroad company in whose favor any bonds shall have been issued in conformity with this act shall report to said city council, under the oath of the president thereof, annually, on or before the first Monday in September of each year, and said report among other things, shall contain the indebtedness of the same, discriminating between permanent and floating debt, with each item of the same—the name of the directors of said road, the cost of construction to date of report, and a list of stockholders in said road, together with the number of shares held by each. And also, whether any tax will be necessary to be levied by said city to meet either principal or interest on said bonds for the ensuing year.

Annual report of Company to common council.

Repealing clause.

SEC. 11. All acts or parts of acts authorising the city of Sheboygan to aid in the construction of any railroad other than the Sheboygan and Mississippi railroad, or to loan its credit to any railroad company other than the Sheboygan and Mississippi Railroad Company, are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 38.

An Act to incorporate the Monroe and State Line Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. William McDowell, J. V. Richardson, Thomas H. Eaton, Francis H. West, H. Ludlow, George E. Dexter, John A. Bingham, James Birdliff, and J. W. Sherry, their successors and associates, to be determined

as hereinafter provided, are hereby made, constituted and appointed, and declared to be a body politic and corporate, by the name and style of the Monroe and State Line Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, and may take and hold such estates by gift, grant, purchase, devise, or lease; they may make, have, and use a common seal, and alter, break, and renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Style.

Powers of Company.

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into such number of shares of one hundred dollars each as the directors shall from time to time determine; and the directors shall cause books to be opened, at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such times and places by publishing the same in a newspaper printed at the village of Monroe, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing.

Capital stock and opening of books.

Sec. 3. The said William McDowel, J. V. Richardson, Thomas H. Eaton, Francis H. West, A. Ludlow, Geo. E. Dexter, John A. Bingham, James Bintliff, and J. W. Sherry shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as two hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription until after the election of directors by the stockholders, and shall immediately give not

First directors

When to close books of subscription.

less than thirty days notice in a newspaper aforesaid of an election of nine directors, by the stockholders, at some time and place to be designated by them; and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Management.

SEC. 4. All of the affairs of said corporation shall be managed by a board of nine directors, who shall be stockholders; and the board of directors is hereby invested with all the powers of the corporation; they shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person, or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held; and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors should not be had at the time when by the the provisions of this act it should be had, the same may be held at any other time, on thirty days' notice being given as aforesaid, and until such election be had the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or loose any of its privileges, franchises, or immunities by reason of irregularity or want of any such election.

Election of directors by the stockholders.

Quorum and meetings.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year, or until other directors are elected. The president when present, shall preside at all the meetings of the directors and stockholders, and in case of his absence the directors present may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer and such engineers, super-

Directors to appoint offic'rs and may reopen books.

intendents, agents and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments as also all previous payments thereon; and also in their discretion on the request of any stockholder, to cancel his stock, and to refund to such stockholders the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers and to make such covenants, contracts, and agreements with any person or persons, co-partnership or corporations whatever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad constructed or to be constructed, by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders not inconsistent with the constitution or laws of this State as they shall think proper, for the well ordering of the affairs of the said company, and the same from time to time to alter, amend, or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

To regulate tolls, make contracts, etc.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said company.

Stock deemed personal property.

SEC. 7. Special meetings of the stockholders may be called by an order of the board of directors, or by stockholders holding one fourth of the capital stock, on like

Special meetings.

notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Route & transportation.

SEC. 8. The said company are hereby authorized to construct a railroad from any point in the town of Monroe, in the county of Green, southward to the State line, and the said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals or any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad, and they shall have power to connect the said railroad with any other road, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

May erect depots, etc.

May borrow money and execute bonds, mortgages, etc.

SEC. 9. The said company are hereby authorized and fully empowered in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute, and deliver in or out of the State all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that may be incurred in the construction, repair, equipment or running of said road; and to make, execute, sell and deliver, at private or public sale, in or out of the State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company,

with its equipments, fixtures and appurtenances; and the powers of said corporations for the purpose aforesaid, and for all purposes necessary to carry out the objects of said company are hereby ratified and confirmed, and the contracts and official [acts] of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Right to construct road over any highway, etc.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad, or railroad, restoring the same to its former state, so as not to impair the usefulness of the same so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad over any stream of water or water course at such point of crossings, the same as they may locate the said road, with all necessary abutments, piers, or other foundations.

May enter on any land to locate route, and use the same.

SEC. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them their agents, officers, engineers, contractors, employees, and servants, at any time to enter upon, take possession of, and use any such land not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses or other fixtures and grounds about the same for the operation and business of said road or for making drains and giving a proper direction to water courses or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the pur-

pose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone or other material for embankments, structures or superstructures necessary to the construction or repair of said road, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been made or tendered, the title of such land shall vest in such company in fee simple, and the said company shall have the right to hold the same, and whatever in the opinion of the company, the same or any part thereof shall be no longer necessary for the purpose for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

To compensate for land taken by Company.

In case owner and Company cannot agree, commissioners to be appointed to determine the compensation.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which according to the aforesaid provisions shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if such owner or the person or persons owning or possessing such legal or equitable title, lien, or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian, or husband, said company shall, by its agents, offer to pay to such owner, guardian, or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any, in such county, such sum as the company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the first judicial circuit, either in term time or in vacation, or to any court commissioner in said circuit, for the appointment of three commissioners to decide upon the amount of compen-

How commissioners are appointed.

sation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in the county through which said road shall run, and which notice, having been duly published, the said judge or court commissioner shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian, or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian, or husband, if resident of the county in which such land shall lie, and if not, shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, the said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs, and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners; and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same, the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land; and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation; and if the amount so found in favor of such claimant shall exceed the amount so

Award.

Appeal.

Judgment.

found by the said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs, and against said claimant; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title of said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding either in law or equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Pending all proceedings—company shall have the right to hold land.

No person incompetent to be a witness.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace or juror in any such suit or proceeding for the reason that such person is a stockholder in said company.

When to demand money for transportation.

SEC. 14. On the completion of said railroad or any section of the track not less than three miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

Punishment for injury or obstruction of road.

SEC. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad,

such person or persons so offending, shall each of them for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

To fence enclosed grounds

SEC. 16. Said company before opening their road through enclosed ground, shall erect such fences as shall preserve such enclosure entire; and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed ground, and shall maintain the same.

First meeting of directors,

SEC. 17. The first meeting of the directors and of the stockholders of the said company shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind or abolish any one regulation or by-law of said company.

When rights grant'd by this act cease.

SEC. 18. All rights, privileges and immunities herein granted to said company, shall cease and terminate at the expiration of five years from the passage of this act, unless said company shall have commenced the construction of said railroad by that time.

Public act.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably constructed to effect the purposes hereby intended, and copies thereof, printed by authority of the State, shall be received as evidence thereof, in all cases, and this act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 39.

An Act to authorise the towns of Lake Mills, Jefferson and Portland to aid in the construction of the Wisconsin Central Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Certain towns authorized to aid in the construction of a railroad.

SECTION 1. The boards of supervisors of the towns of Lake Mills, Jefferson and Portland, in the county of Jefferson and State of Wisconsin, are hereby authorized each to subscribe for not exceeding two hundred and fifty shares, of one hundred dollars each, in the capital stock of the Wisconsin Central Railroad Company, and to pay for the same in the coupon bonds of said towns respectively, payable in ten years from the date thereof, with interest annually at the rate of ten per cent per annum, the said principal payable at such place as said supervisors may deem expedient, and the interest payable at the office of the town treasurer of such town, on the first day of February in each year.

Coupons on bonds to be received in payment of taxes.

SEC. 2. The coupons on said bonds, so issued by any or either of said towns, shall be received by the treasurer of such town in payment of town taxes, in the same manner that town orders are by law receivable, from the first day of December prior to the time when such coupons become due, until the said treasurer shall make return of taxes in pursuance of law.

Vote on issue of bonds.

SEC. 3. Such bonds shall not be issued by the supervisors of either of said towns, unless said supervisors shall be so instructed by a majority of the legal voters of said town, voting at their annual meeting or at a special town meeting held for that purpose, of which twenty-one days' notice shall be given by the town clerk thereof, by posting up said notices in four of the most public places in their respective towns, stating the purpose of such meeting; and the ballots cast shall be "For the railroad," or "Against the railroad."

Denomination of bonds, and signing of the same, etc.

SEC. 4. Such bonds shall be signed by the chairman of the board of supervisors of such town, and countersigned by the town clerk, and shall be of the denomination of one hundred dollars each, with ten per cent interest coupons in the usual form, and may be delivered to said railroad company in payment at the value

expressed on their face, for shares of stock of said company to be subscribed by such supervisors for such towns respectively; and the stock so subscribed for and issued to such towns shall not be in any manner effected by any mortgage, lien, or incumbrance whatever upon such railroad, or by any sale or consolidation of such railroad, and such towns shall be entitled to draw the same dividends upon such stock after such sale or consolidation, in whosoever hands such railroad may be, as if no such sale or consolidation had been made.

Company to give security for the faithful application of money.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the said railroad company shall give security to the satisfaction of the supervisors that the money arising from the sale of such bonds shall be faithfully applied to the construction of its road.

Faith of towns and stock irrevocably pledged for paym't of principal and interest.

SEC. 6. The shares of stock in said railroad company thus taken by said towns respectively, and all dividends arising therefrom, and the faith and credit of said towns respectively, is hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered for such stock, but the supervisors may sell such stock if authorized so to do by a vote of an annual town meeting of such town, and thereafter the proceeds of such sale and the interest thereon shall be and remain irrevocably pledged to pay the interest and principal of such bonds, and the supervisors shall, whenever it becomes necessary, levy a tax annually upon the taxable property of the said towns respectively, sufficient to pay the interest of such bonds.

Railroad Commissioner—his duty.

SEC. 7. The board of supervisors of each of said towns having stock in said company shall annually, or as often as there shall be a vacany, appoint one railroad commissioner, whose duty it shall be to attend each annual and special meeting of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock owned by said town in the election of directors and on all questions.

Publication of act.

SEC. 8. This act shall be published in one newspaper printed in said county of Jefferson, and shall take effect from and after its passage.

Approved February 23, 1857.

Chapter 40.

An Act to amend chapter 516 of the private and local laws of A. D. 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section two of chapter five hundred and sixteen of the private and local laws of A. D. 1856, is hereby amended so as to read as follows: "The board of trustees shall hold their first meeting on the first Tuesday of May, A. D. 1857, or at such other time as may be designated and agreed upon by said board of trustees, at the house of William Whiteside, at Mount Hope, in the town of Millville, Grant county, in this State, at which time the members of said board shall have power to organize and adjourn to such time and place as they may deem proper, and may elect a president, vice president, secretary, treasurer and executive committee of five, all being members of the board, and the said executive committee shall have power to transact all such business necessary for the erection of buildings, the sale of the real and personal property of said corporation, and the good government of the institution, as shall be prescribed and directed by said board.

Approved February 23, 1857.

Chapter 41.

An Act to authorize R. M. Gowham, to build and maintain a boom on the Wisconsin river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorizing the erection of a boom.

SECTION 1. That R. M. Gowham, his successors and assigns, are hereby authorized and empowered to keep and maintain a boom on the Wisconsin river, from a point at or near his steam saw mill, situate on lot five (5), in section fourteen, township fifteen, north of range

five (5) east, in the county of Adams, said boom to run from the point above mentioned to the foot of a small island, in said river, about six rods from the east bank of said river; and also, a second boom from the north end of said island to the east bank of said river to a point not more than twenty rods above the head of said island; *Provided*, That the aforesaid R. M. Gowham, his successors and assigns, shall not be allowed to construct, maintain or keep any boom on or in front of any land of which he or they are not the owners, without the consent of the lawful owners obtained in writing. Proviso.

SEC. 2. Any person or persons who shall wilfully break, damage or destroy said boom, shall be responsible to the proprietors thereof, in action of trespass for the amount of damages done in addition to the penalties already provided by law, and to be recovered before any court of competent jurisdiction. Penalty for wilful damage to boom.

SEC. 3. This act shall be in force from and after its passage.

Approved February 23, 1857.

Chapter 42.

An Act to amend an act entitled "An act to incorporate the Manitowoc and Calumet Plank Road Company," approved March 31, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That part of section four of an act entitled "An act to incorporate the Manitowoc and Calumet Plank Road Company" which reads "thirty thousand dollars," is hereby amended so as to read "ten thousand dollars;" and that part of section three (3), which reads "twenty-five dollars," shall be so amended as to read "fifty dollars." Amendment.

Approved February 23, 1857.

Chapter 43.

An Act to amend an act entitled "An act to build a bridge across the Wisconsin river," approved March 31st, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. That section two of said act, following the words "Adams county," is hereby so amended as to read "first Monday in April, A. D. 1857, or at such other times thereafter as said corporators shall deem best."

Amendment. SEC. 2. That the words "five thousand," preceding the word "dollars," in section number two of said act, shall be so amended as to read "ten thousand."

Amendment. SEC. 3. Section number five of said act is hereby so amended as to read as follows: The superstructure of said bridge shall not be less than twenty feet above high water mark, and sixteen feet wide, and shall have a good substantial railing on both sides, and shall not be less than two hundred feet span over the channel of said river, and shall be commenced within one year, and completed within six years.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 44.

An Act for the relief of Joint School District No. 2, of Janesville and Rock, in the county of Rock.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax for school purposes. SECTION 1. The clerk of Joint School District No. 2 (two) of Janesville and Rock, in the county of Rock, is hereby authorized to assess and make out a tax list of the tax voted at the last annual meeting in said district,

as provided in chapter nineteen of the revised statutes of this State, and the district treasurer of the said joint district number two is hereby authorized to collect the tax contained in the said tax list in pursuance of the said chapter nineteen of the revised statutes of this State, and so much of the said chapter nineteen as is necessary to carry out the purposes of this act, is hereby revived for that purpose, and for none others.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 45.

An Act to amend chapter 349 of the session laws of 1856, entitled "An act to authorize James Davis and his associates to construct and maintain a bridge across Black river, in the county of Jackson."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifth section of chapter 349, to which this act is amendatory, is hereby so amended as to read "three years," instead of "one year." Amendment.

SEC. 2. The seventh section of said chapter 349 is hereby so amended as to read "twenty years," instead of "five years." Amendment.

SEC. 3. This act shall be in force from and after its passage.

Approved February 23, 1857.

Chapter 46.

An Act to incorporate the Racine Reaping and Mowing Machine Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic, by

Style.

the name and style of the Racine Reaping and Mowing Machine Manufacturing Company, and by that name

Powers.

shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsover, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct.

May Manufacture Machines, etc.

SEC. 3. The said corporation shall have the power to manufacture reaping and mowing machines, and such other machinery, wood, iron, brass, and copper implements and wares, as they may deem proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city of Racine which are now, or may hereafter be owned by said company; may in their corporate capa-

May execute notes, bonds, etc.

city make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages on real or personal property belonging to said company, in due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons or body corporate; all of which said company is authorized to do,

any law of this State to the contrary notwithstanding; but this act shall not be so construed as to confer banking powers upon said corporation.

Management. SEC. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall respectively be stockholders in said company, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said corporation; the number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

Elections, etc.

President. SEC. 5. The said directors shall annually, after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting the directors present may elect a president *pro tem.* The directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper. All meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Racine, and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required for the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers. They shall have the power to decide the time, manner, and proportions in which the stockholders shall pay the money due, or an equivalent therefor, on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to

By-Laws.

Officers.

Payment on stock.

the stockholders of not less than thirty days before such election; *Provided*, That if, for any cause, such election shall not be held at the time appointed, the same may be held at any time, upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Proviso.

Opening of books of subscription.

SEC. 6. Books of subscription to the capital stock of said company shall be opened at the office of C. S. Chase, in the city of Racine, on the first Monday of June next, under the inspection of Isaac Taylor, Thos. Falvey, John Riley, C. S. Chase and Henry St. George, and a majority of whom may keep said books open from day to day until at least thirty thousand dollars of said stock be subscribed for, and twenty dollars on each share of stock subscribed actually paid in, when the said persons above named may deliver to such subscribers said books, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors when so elected, shall at their first meeting determine the amount of capital of said corporation, and shall in no case exceed two hundred and fifty thousand dollars, and if such capital shall be fixed at any less sum than the last named amount, the same may at any time thereafter be increased by a two third vote of said directors at a regular meeting thereof to any amount not in the whole, however, exceeding the said sum of two hundred and fifty thousand dollars.

When to elect directors.

When stockhold'rs become personally liable.

SEC. 7. Each stockholder shall be liable for the debts against the corporation to the full amount of stock in said corporation held by him, but before he shall be sued on such liability for debts against the corporation, an execution must have issued against said corporation and been returned wholly or in part unsatisfied.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 47.

An Act to authorize the Common Council of the city of Oshkosh, Wisconsin, to aid in the construction of Gas Works in said city.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

The mayor and council auth'rised to loan credit of city for gas works.

SECTION 1. The mayor and common council of the city of Oshkosh are hereby authorized to loan the credit of said city, by issuing its bonds to an amount not exceeding twenty-five thousand dollars to any contractor or company of contractors, who shall upon terms deemed most favorable by the common council, propose to construct gas works in the city of Oshkosh.

Bonds.

SEC. 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said city, under the corporate seal thereof; and shall be in sums of one thousand dollars each, for a term not less than ten nor more than twenty years, and shall bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually.

Ordinance for issue of bonds.

SEC. 3. Said bonds shall not be issued nor delivered, except by virtue of an ordinance to be duly passed by a vote of a majority of the aldermen of said city, at a regular meeting of the common council.

Vote on issue of bonds by inhabitants of city.

SEC. 4. No bonds shall be issued in pursuance of this act until a majority of the legal voters of said city of Oshkosh, voting upon said question, shall vote in favor of the same, at an election which shall be called by the common council of said city for that purpose, to be held at the usual places of holding elections in the several wards of said city. At such elections, those voting in favor of the loan shall vote a ballot with the words, "for the gas works loan" inscribed thereon, and those voting against shall vote a ballot with the words, "against the gas works loan" inscribed thereon; twenty days notice shall be given of said election in two newspapers in said city, and this act shall be published in connection therewith. Said election shall be conducted and returns thereof made and canvassed in the same manner as at the general elections of said city.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 48.

An Act to authorize the village of Menasha to aid in the construction of the Wisconsin and Superior Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

President and trustees may subscribe to capital stock of a certain railroad.

SECTION 1. For the purpose of aiding in the construction of the Wisconsin and Superior railroad, the president and trustees of the village of Menasha, are hereby authorized to subscribe to the capital stock of said railroad company for said village, an amount not exceeding one hundred thousand dollars, on the terms and conditions hereinafter mentioned.

In case the president neglect to subscribe.

SEC. 2. The president and trustees may by resolution to be entered on the village records, authorize the president to subscribe for the village the amount of stock aforesaid, to issue the bonds herein provided for; and in case the president shall neglect or refuse to perform such service, the board of trustees may by like resolution appoint some one of their number who will perform the same.

Issue of bonds.

SEC. 3. The president and board of trustees shall have power to issue the bonds of the said village, on not exceeding twenty years time, with coupons or interest warrants attached, drawing an annual interest of eight per cent. to be paid semi-annually at the office of said railroad company in the city of New York, or at any solvent bank in said city, of which due notice shall be given to pay for the stock so subscribed, and shall have power to levy a special tax on the taxable property in said village to pay the interest on such bonds, and also the principal when the same shall become due.

Village subject to same liabilities as stockholders.

SEC. 4. When such stock shall be subscribed as aforesaid, said village shall have the same powers and privileges, and shall be subject to the same liabilities as other stockholders in said company, excepting only the reservations and agreements which may be made by and between the president and board of trustees of said village and such railroad company.

Upon issue of bonds the company shall ex-

SEC. 5. Upon the execution and delivery of one hundred thousand dollars or any less amount in the bonds of said village of the denomination of not exceeding

one thousand dollars each, with coupons, or interest warrants attached as aforesaid, the said railroad company shall execute and deliver to the president and trustees of said village a bond or bonds, to be approved by said president and board of trustees, obligating said railroad company to save said village harmless from all claims or demands against said village on account of any interest which may accrue or become due upon said bonds or any portion thereof, until such railroad or portion of road for the construction of which, such stock shall be subscribed, shall be in operation, and also to apply, and faithfully expend the avails of said bonds in building said road, or portion thereof as aforesaid. And so long as such railroad company shall actually and punctually pay the accruing interest on such bonds, said railroad company shall be entitled to and receive all dividends declared on said stock.

Execute to village bonds, indemnifying village etc.

Sec. 6. Before the issue or delivery of any bonds, or subscriptions of stock by the president and trustees, in pursuance of this act, an ordinance for that purpose shall be submitted to and be approved by the legal voters of said village, at an election for that purpose, to be called by the board of trustees, of which at least two weeks notice shall be given by publishing the same, together with a copy of such ordinance, in some newspaper published in said village, which election shall be held at the usual place of holding village elections, and shall be conducted, and the votes returned and canvassed in the same manner as at other village elections; the votes at such election shall be by ballot, on which shall be written or printed the words, "for the railroad ordinance," or the words, "against the railroad ordinance," and if a majority of the whole number of votes cast at such election, shall be for the railroad ordinance, the bonds whose issue and delivery shall be provided for in such ordinance, may be issued and delivered and not otherwise.

Vote on issue of said bonds.

Sec. 7 The board of trustees shall have power and authority to make, conclude and enter into any agreement with said railroad company which they may deem necessary for the protection and security of said village on account of taking such stock and issuing the bonds of said village in payment thereof as aforesaid, and the board of trustees of said village shall also have power, and it shall be their duty to appoint such per-

To further secure village, and appointment of persons to represent village.

son or persons to cast the number of votes to which said village may be entitled at any election of directors, and to represent said village in any meeting of stockholders of said railroad company.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 49.

An Act to authorize the laying out and establishing a state road from the village of Plover to the village of Waupaca.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs to lay out a state road.

SECTION 1. That Thomas H. McDill and John L. Spurr, of the county of Portage, and Nelson Holt, of the county of Waupaca, be and they are hereby appointed commissioners, and authorized to lay out and establish a state road from the village of Plover, in the county of Portage, to the village of Waupaca, in the county of Waupaca, on such route as said commissioners shall determine, via Spurr's Mills, on the Waupaca river.

Quorum.

SEC. 2. A majority of said commissioners shall constitute a quorum to do business, and in laying out and establishing such road they shall proceed in the manner now provided by law.

Compensation.

SEC. 3. The said commissioners shall be entitled to a reasonable compensation for their services in laying out and establishing said road, to be paid by said counties of Portage and Waupaca, in proportion to the length of road in each county.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 50.

An Act to confer upon the board of supervisors of the town of Shullsburg discretionary power on the width of roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To lay out a cross road and fix the width of same.

SECTION 1. The board of supervisors of the town of Shullsburg, in La Fayette county, are hereby authorized, empowered, and permitted to lay out cross roads in their said town, leading from one main traveled road to another, of such width as said supervisors may deem expedient.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 51.

An Act to amend chapter 78 of the private laws of 1853, entitled "An act to incorporate the Watertown and Madison Railroad Company," approved March 17, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to section 4 of charter.

SECTION 1. Section four of said chapter seventy-eight is amended by striking out all after the word "election," in the twenty-fourth line, and inserting the following: "The board of directors may at any time increase the number of directors; *Provided*, The number shall not be less than five nor more than fifteen."

Amendment to section 12 of charter, providing for settlement with own'rs for land taken by company.

SEC. 2. Section twelve of said chapter seventy-eight is amended by striking out all after the word "and," in the fifth line, and inserting the following: "The said company may, after the route of the said railroad shall be located and determined, offer by its agents to pay to the owner or owners of any such lands which by the provisions of this act the said company are authorized to enter upon, take, possess, occupy or use, or to any

person claiming any interest in such land, and if any such owner or person claiming interest in such lands shall be a minor, *non compos mentis*, or insane or married woman, or under any legal disability, then to the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman, such sum for said lands as the company or its agent shall consider to be the full value of the same, and if such owner or claimant, guardian, or husband shall not accept of said offer, or if for any reason the said company shall fail to agree with the owner or person claiming any interest in such land, then and in all such cases in which the said company shall enter upon, possess, occupy, or use any lands as aforesaid, for any of the purposes aforesaid, the value of said land shall be ascertained and determined as follows, to wit: The said company may apply to the supreme court of the State, in term time, or to any judge thereof in vacation, for the appointment of three commissioners, to make an appraisal and award of the value of each of the several pieces or parcels of land so entered upon or taken as aforesaid for any of the purposes aforesaid, in reference to the value of which the said company shall have failed to agree with the owner or person claiming any interest in the same as aforesaid. The said company shall give notice of their application for the appointment of such commissioners, by publishing the same at least ten days before the time for hearing such application, in a newspaper published in the city of Watertown and Madison, and upon proof of the publication of the same, the court or judge to whom the application shall be made, shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, and at least five days personal notice to such owner, if resident in the county, and when it shall appear to said company or its officers that the title of any such land is in dispute, or that several parties claim interest therein, by tax sales, tax titles, incumbrances, liens, or equitable claims, the said commissioners shall, upon request of said company or its officers, give such notice to all persons claiming any interest in such land, whether as owners, incumbrancers or otherwise, (and when the person to be notified has no known residence in this State, the notice may be by publication in a newspaper for

When company and owner cannot agree, commissioners to be appointed to make appraisal and award.

When several parties claim title to land.

such length of time as the commissioners shall deem reasonable,) and after making such examination the said commissioners, or a majority of them, shall make an appraisement and award of the value of the land so entered upon, taken, possessed, occupied or used by said company for any of the purposes aforesaid, at the time when the same was so entered upon and taken, whether such time was before or subsequent to the passage of this act, and shall deliver one copy of their award in each case to the said company, and shall file another in the office of the clerk of the circuit court of the county in which such lands shall lie, with the costs of the award taxed upon each of said copies, and if neither party shall appeal from said award in the manner hereinafter provided, the said circuit court, on motion of the party in favor of whom any award shall be made for such value as aforesaid, unless such award shall have been previously paid, shall enter up judgment in conformity with such award; and in case either of the said commissioners shall die, resign, or decline to act, the said supreme court or judge shall appoint another commissioner in his stead, and the said company, or any party so receiving notice from the said commissioners as aforesaid, may within thirty days after such award shall have been filed with the clerk as aforesaid, appeal from the same to the circuit court for the county in which such lands shall lie, by filing with the clerk of said court a written notice of such appeal, and upon receiving such notice the said clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners and person or persons claiming any interest in said land, embracing all persons so having received such notice from the said commissioners, as plaintiffs, and the said company as defendants, and the said court shall proceed to hear and determine such case in the same manner that other cases shall be heard and determined in said court, and all issues of fact arising therein shall be tried by a jury, unless a jury be expressly waived by both parties, but the appellant shall not be entitled to have the case tried at any term of said court, unless he shall have given notice to the appellee or his attorney, at least ten days before the first day of the term, that he will demand a trial at such term; but in case the appellee has no known residence in this State, or attorney of record residing in the State, no such

Award.

Judgment.

Appeal.

notice need be given, but in all cases the appellee may waive such notice, in which case the same rule for trial shall be applicable to it as to other cases in said court. After the hearing of said case the jury, or if a jury be waived, the court shall assess the value of the land so entered upon, taken, possessed, occupied and used by said company, at the time when the same was so entered upon and taken, whether such time was before or after the passage of this act; and after such assessment the court shall proceed to render judgment against said company for the amount of such assessment, in favor of the plaintiff or plaintiffs in such case, and if the amount so assessed in favor of said plaintiff or plaintiffs shall exceed the amount awarded by said commissioners, (with interest at the rate of twelve per centum per annum from the time of such award to the time of such assessment by the jury or court,) then judgment shall be rendered against said company for costs, and when the appeal shall be taken by the claimant, if it shall not exceed said amount, (and interest as aforesaid,) then judgment shall be rendered in favor of said company for costs and against the said plaintiff or plaintiffs, and execution may issue accordingly. Either party shall be entitled to a change of venue for the trial of the said cause, on affidavit filed, stating the belief of the affiant that a fair trial cannot otherwise be had; the change of venue shall be to the nearest county where a fair trial can be had. The judgment of the circuit court in any such case may be reviewed on writ of error as other cases at law. Whenever the commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, and whenever, in case of an appeal, a final judgment shall be rendered, it shall be the duty of the company, and not before, to pay to the party entitled to the same the amount of such award or judgment; and in any case in which there shall be any lien, incumbrance, tax sale, tax title, or equitable claim to or upon the land or any part thereof, which is the subject matter of such award or judgment, or when more than one person shall be entitled to, or shall set up any claim to, the amount of such award or judgment, or any part of it, or when the person entitled to receive the same shall not have any known residence within the State, the said company may deposit the amount of such award, where there is no appeal, with the clerk

Judgment on appeal.

Change of venue.

Final judgment.

of the circuit court, with whom the award in the case shall have been filed, and in case of an appeal and judgment thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered, and the money so deposited in either case shall be paid over by order of the court to the person or persons who shall be adjudged by said court to be entitled to receive the same; and whenever the amount of such award or judgment shall have been paid or tendered, or deposited as aforesaid, an absolute estate in fee simple in such lands shall be and become vested in the said company, as against all persons so receiving notice from the said commissioners as aforesaid, and all such persons so having received such notice shall be forever concluded from questioning such title so acquired by the said company, and the said company shall have full power and authority, after entering upon and taking any such lands, to have, hold, possess, occupy, use and enjoy the same, for any of the lawful purposes of the said company, from the time of such entry and taking until the proceedings contemplated by this act shall have been finally determined, and until said company shall have refused, after demand made, to pay the value of said land so to be ascertained as aforesaid; and they shall not, during such time, nor until such refusal, be disturbed in such possession or occupancy, use or enjoyment, by any proceeding either in law or equity.

Company to deposit am't with clerk of circuit court.

During proceedings company may occupy land.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1837.

Chapter 52.

An Act to incorporate the Black Creek Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. T. B. Bingham, Frederick Packard and John Jewett, Jr., and such other persons as they shall

Corporators.

associate with them, are hereby incorporated by the
Style. name and style of the Black Creek Bridge Company; and by such name may sue and be sued in any and all courts, may have a common seal and change the same at pleasure. They shall have perpetual succession, and shall have all the privileges, franchises and immunities incident to a corporation. The said corporation hereby
Capabilities. created shall be capable in law of contracting and being contracted with, and of purchasing, holding, selling, leasing and conveying such estate, real, personal or mixed, as may be necessary and proper for the purposes of said corporation.

Commission'rs to receive subscriptions. SEC. 2. The persons named in the first section of this act are hereby appointed commissioners, together with such other persons as they may appoint, to receive subscriptions to the capital stock of said company, and may open books for subscription at such times and places as they shall appoint from time to time, until the whole capital stock of said company shall be taken.

Capital stock. SEC. 3. The capital stock of said company shall be two thousand dollars, and shall be divided into shares of twenty-five dollars each, and the said company shall have power to increase the said capital stock to an amount not exceeding ten thousand dollars; but the said company may organize and elect officers, and transact business, as soon as twenty shares of the said stock shall have been taken, and five per cent. on each share paid *bona fide* in cash.

Location of bridge. SEC. 4. The said company shall have power to build a bridge across Black Creek, in Outagamie county, at such point as they may see fit, on section six (6) or section seven (7), in town twenty-three (23), north of range seventeen (17) east.

How constructed. SEC. 5. Such bridge shall not be less than sixteen feet wide, and shall be so constructed as to allow all rafts and barges to pass and re-pass freely, and without delay.

By-Laws. SEC. 6. The said company shall have power to make such by-laws and regulations as to them may seem fit for the regulation and government of their business—and to elect or appoint such officers as to them may
Proviso. seem fit; *Provided*, That nothing in such by-laws or regulations shall be repugnant to the constitution and laws of this State or of the United States.

Toll. SEC. 7. The said company shall have power after the

completion of the bridge to demand and collect toll for passing the same as follows: For any vehicle drawn by one animal, ten cents; for any vehicle drawn by two animals, twenty-five cents; for each additional animal, five cents; for a single animal, five cents; for each animal in a drove of less than fifty, three cents; or in a drove of more than fifty, two cents; *Provided*, The said company may charge a less rate in their discretion, and shall keep posted up in some conspicuous place, a list of rates of toll to be paid for crossing. Proviso.

SEC. 8. This act shall take effect from and after its passage.

Approved February 23, 1857.

Chapter 53.

An Act to authorize the Supervisors of the town of Fulton, in the county of Rock, to borrow money.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. L. H. Page, James Hopkins and Ralph Pomeroy, supervisors of the town of Fulton, in the county of Rock, are hereby authorized to borrow on the credit of said town of Fulton, such sum of money not exceeding three thousand dollars, as may be necessary to discharge all liabilities by them incurred as such supervisors for the erection of the bridge over Rock river, at the place known as "Indian Ford" in said town, built by Stephen Allen during the year 1856, under contract with said supervisors. May borrow money.

SEC. 2. To secure the payment of said loan, the said supervisors are hereby authorized to issue warrants or orders upon the treasurer of said town of Fulton, in sums of not less than one hundred dollars each, to the amount of three thousand dollars, or so much thereof as may be necessary to pay for the bridge named in section one of this act, according to the terms of the contract with Stephen Allen as aforesaid; one half the amount of the warrants or orders so issued, shall be To secure the same, may issue warrants. When payable etc.

made payable in one year, and the remaining half in two years from the date of said loan, with interest thereon at such rate, not exceeding ten per cent., as shall be fixed by said supervisors; said warrants or orders shall be signed, before the same are issued by the supervisors aforesaid, or by two of them, and countersigned by the town clerk and accepted by the town treasurer of said town; and when signed, countersigned and accepted as aforesaid, said warrants or orders shall be in the hands of any *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of the said town of Fulton for the principal and interest of said warrants or orders.

Endorsement of warrants.

SEC. 3. It is hereby made the duty of the town clerk of the town of Fulton to countersign, and of the town treasurer of said town to endorse his acceptance upon all warrants or orders presented to them by the before named supervisors, not exceeding three thousand dollars in amount, which shall be executed by said supervisors according to the provisions of this act; and the said town clerk shall moreover register, as town orders are by statute directed to be registered, all warrants or orders so countersigned by him.

Supervisors to negotiate said warrants, etc.

SEC. 4. Said supervisors shall negotiate all warrants or orders issued by them pursuant to this act, for the best prices they can obtain for the same, not less than ninety-five cents for every dollar of the principal of the warrants or orders payable in one year from date, and not less than ninety cents for every dollar of the principal of those due in two years from the date thereof; and said supervisors shall faithfully apply all moneys by them obtained on or for the warrants or orders so issued, in payment for the bridge erected at "Indian Ford," as aforesaid, according to the terms and conditions of their contract heretofore made with Stephen Allen for building said bridge, and for no other purpose —and shall accompany their annual report of supervisors to the next town meeting of their town, with a full statement of all their acts and doings under authority of this act, which statement shall be read to the electors convened, at the time of making their annual report, as aforesaid, and thereupon delivered to the town clerk, who is hereby directed to preserve the same among the town papers on file in his office.

Faith of town

SEC. 5. The faith of the said town of Fulton, in the

county of Rock, shall stand irrevocably pledged for the punctual payment of interest and principal of all the warrants or orders issued under authority of this act; and it is hereby made the duty of the town clerk of the said town of Fulton to levy upon the taxable property of said town, as the same shall be assessed for the year 1857, a tax sufficient to pay the interest for one year on the whole amount borrowed by the supervisors aforesaid, and one half of the sum principal so borrowed, and the said clerk shall calculate and carry out upon the assessment roll of his said town for the year 1857, such tax, in the same manner and together with the other taxes which he is by statute required to put upon said assessment roll; in the same manner the said town clerk shall levy upon the taxable property of the said town, as the same shall appear on the assessment roll for the year 1858, a tax sufficient to pay the remaining one half of the principal of said loan and the interest thereon for one year, and shall calculate and carry out the same with other taxes upon the assessment roll of said town for the year 1858, in the same manner as in this section before provided in reference to the amount of tax required to be levied on the roll for 1857.

pledg'd for the paym'nt of the principal and interest.

Tax to pay the same.

Duty of treasurer.

Sec. 6. It shall be the duty of the treasurer of said town of Fulton to pay the interest and principal which shall become due upon the warrants or orders issued under the provisions of this act, out of any moneys coming into his hands for that purpose, on presentation to him at his office, at any time after such interest or principal, or both, as the case may be, become due, as specified on the face of said warrants or orders.

Sec. 7. This act shall be favorably construed to effect the purpose for which it is intended, and shall be in force from and after its passage.

Approved February 23, 1857.

Chapter 54.

An Act to lay out and establish a State Road from Sparta, in Monroe county, to Sumner, in Trempealeau county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs

SECTION 1. That George W. Root, John Morrell and George S. McCormack, are hereby appointed commissioners to lay out and establish a state road from Sparta, in Monroe county, by way of the mouth of Trout Run, in town twenty, north of range No. 4, west, in Jackson county, to Sumner, in Trempealeau county.

Compensation

SEC. 2. Said commissioners shall upon the laying out and establishing said road, be entitled to such compensation for their services as the supervisors of the counties through which the road shall pass, shall allow to be paid out of the county treasury; *Provided*, That no part of the expense of laying out said road shall be paid out of the State treasury.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 55.

An Act to authorize George Farnam, G. H. Ledyard, E. L. Brockway and N. D. Ledyard and their associates, to construct and maintain a bridge across Black River, in the county of Jackson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to construct bridge, and location.

SECTION 1. George Farnam, G. H. Ledyard, E. L. Brockway and N. D. Ledyard and their associates, are hereby authorized to construct and maintain a bridge across Black River, at or near their mills, in the county of Jackson, in township No. twenty-one (21), north of range No. four (4) west of the fourth principal meridian

to and from any lands owned by them, or either of them, or their associates in said town.

How constructed. SEC. 2. Said bridge shall not be less than twelve feet wide, and shall be so constructed as to allow free passage at all times for rafts, boats or water craft, running either up or down said river without any let, hindrance or delay, and the said George Farnam, G. H. Ledyard, E. L. Brockway and N. D. Ledyard, their associates and assigns, shall be liable in an action on the case for any injury, detention or delay by reason or on account of said bridge, to be recovered in any court of competent jurisdiction.

Toll. SEC. 3. The said George Farnam, G. H. Ledyard, E. L. Brockway and N. D. Ledyard, their associates and assigns, shall have power immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: For any vehicle drawn by two horses, mules or oxen, twenty-five cents; for any vehicle drawn by one horse, fifteen cents; for each additional horse, ox or mule, six cents; for foot passengers, five cents; for cattle in droves, three cents each; and for hogs and sheep, two cents each.

To keep rates posted up. SEC. 4. They shall keep posted up in a conspicuous place on said bridge the rates of toll allowed by this act.

SEC. 5. This act shall take effect and be in force from and after its passage, for the period of twenty years.

Approved February 23, 1857.

Chapter 56.

An Act to authorize John H. Knapp, Andrew Tainter, Henry L. Stout, and Thomas B. Wilson to construct a bridge across the Red Cedar river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to construct bridge, and location. SECTION 1. John H. Knapp, Andrew Tainter, Henry L. Stout, and Thomas B. Wilson are hereby authorized to construct a bridge across the Red Cedar river, in the county of Dunn, on section number twenty-six, in town

number twenty-eight north, of range number thirteen west of the fourth principal meridian.

How constructed.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free passage at all times to any rafts coming down said river, and to all kinds of flat-boats passing either up or down said river, without any hindrance or delay; and the said John H. Knapp, Andrew Tainter, Henry L. Stout, and Thomas B. Wilson shall be liable in an action on the case for any injury, detention, or delay by reason of or on account of said bridge, to be recovered in any court of competent jurisdiction.

Persons liable for delay in passing said bridge.

Toll.

SEC. 3. The said John H. Knapp, Andrew Tainter, Henry L. Stout, and Thomas B. Wilson shall have power, immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: for any vehicle drawn by two horses, mules or oxen, twenty-five cents, and for each additional horse, mule or ox, ten cents; for any vehicle drawn by one horse, fifteen cents; for a single horse, ten cents; for horses and cattle, in droves, five cents each; for hogs and sheep, in droves, one cent each.

Shall keep the rates of toll posted up.

SEC. 4. Said John H. Knapp, Andrew Tainter, Henry L. Stout, and Thomas B. Wilson shall keep posted up in some conspicuous place on said bridge the rates of tolls allowed by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 57.

An Act to authorize the keeping and maintaining a boom at Meridian Island.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to keep a boom.

SECTION 1. Ira Meard, C. M. Seley, Charles Whipple, C. R. Davis, Wm. H. Gleason, their associates, heirs, executors, administrators or assigns, are hereby authori-

zed and empowered to keep and maintain a boom at Meridian Island, in township twenty-six (26), north of range eleven (11) west, of the fourth principal meridian.

May stop logs and charge for same.

SEC. 2. Said persons or their legal representatives are hereby empowered to stop all logs owned by themselves, or other persons (when expressly notified by such other persons so to do), and for all logs caught in said boom and properly delivered, the owners of said boom or their legal representatives, may demand and receive the sum of fifty cents per thousand feet, for all logs or lumber boomed; unless otherwise agreed upon by the parties.

Boom to be constructed so as to admit the free passage of boats, etc.

SEC. 3. Said boom shall be so constructed as to admit the free passage of boats and other water craft passing up or down the main channel of the Chippewa river, and the proprietors of said boom shall not detain the logs or lumber of other persons longer than a sufficient and reasonable time to sort out their own logs or lumber from the remainer of the drive.

Trespass.

SEC. 4. Any person or persons who shall wilfully break or loose from its moorings, shall be responsible to the proprietors thereof in an action of trespass for the amount of the damage done in addition to the [penalty] already provided by law to be recovered before any court of competent jurisdiction.

SEC. 5. This act shall be in force from and after its passage.

Approved February 23, 1857.

Chapter 58.

An Act to authorize George Williams and James C. Edson to keep and maintain a ferry across the Wisconsin river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to keep a ferry.

SECTION 1. George Williams and James C. Edson, and their associates and assigns, their heirs and personal representatives, shall have the right and privileges, for the term of five years, of keeping and maintaining a ferry across the Wisconsin river, on or near the south

line of lot number nine (9), in section number seven, in township number fourteen north, of range number six (6) east of the fourth principal meridian, to the opposite side of said river.

Regulations. SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing every vehicle drawn by two horses or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for one horse and buggy, twenty-five cents; for man and horse, twenty-five cents; for cattle and horses in droves, ten cents each; for foot passengers, ten cents each; and for hogs and sheep, five cents each. No ferry shall be established within one mile of the point where said ferry shall be established; and this act shall take effect from and after its passage.

Toll.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 23, 1857.

Chapter 59.

An Act to authorize certain towns to aid in the construction of railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town authorized to aid in the construct'n of railroads. SECTION 1. The respective boards of supervisors of the towns of Portland, in Jefferson county, York, in Dane county, and Columbus, in Columbia county, are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of their respective towns, for any sum of money not exceeding, in the aggregate, the amount in each case hereinafter specified, to wit: Portland, fifty thousand dollars; York, twenty-five thousand dollars; and Columbus, fifty thousand dollars.

Denomination of bonds, and by whom to be signed. SEC. 2. Such bonds shall be signed by the chairman of the board of town supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars or of one thousand dollars each; shall

be payable at such place as the board of supervisors issuing them may deem advisable, and shall be payable at the time specified therein, not exceeding twenty years from date, with interest payable annually or semi-annually, at not exceeding eight per cent. per annum.

Bonds may be issued for stock

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed for by the supervisors for the benefit of the town, in the capital stock of any railroad company authorized to construct a railroad through such towns, or adjoining towns.

Vote on issue of bonds.

SEC. 4. No such bonds shall be issued until a majority of the legal voters of the town, voting upon the question, shall have voted in favor of such issue. The election for that purpose may be called by the supervisors of the town, or be ordered to be held on the day of the annual town meeting, but in either case notice of the election shall be posted up in five public places in the town, and be published in a newspaper printed in the county, for twenty days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, and the railroad for which they are to be issued. At such election, those voting for the proposition shall deposit a ballot containing the words "For the Railroad," and those voting against it shall deposit a ballot containing the words "Against the Railroad." The election shall be conducted and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Company shall give security to town for the faithful application of the bonds.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the railroad company shall give security to the satisfaction of the supervisors that the money arising from the sale of the bonds shall be faithfully applied to the construction of such railroad as they may designate, most advantageous to their town, and that the railroad shall be completed to such point, and within such time, as they may deem it safe and expedient to require.

Stock pledged for payment of principal and interest.

SEC. 6. The shares of stock in such railroad company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the

bonds delivered therefor; but the supervisors may sell the same, if authorized so to do by a vote of an annual town meeting of their towns, and thereafter the proceeds of such sale and the interest thereof, shall be and remain irrevocably pledged to pay the interest and principal of such bonds. The supervisors shall annually, or whenever it becomes necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, after deducting the dividends due to their towns on its shares of stock.

Stock of towns not to be affected by any lien, etc.

SEC. 7. The shares of stock so subscribed for by any such town, shall not be in any manner affected by any mortgage, lien, or incumbrance given or obtained upon such railroad, and in case any such railroad shall be sold or in any manner disposed of to satisfy any such mortgage or lien, such shares of stock held by such town, shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares, in whosoever hands or control such railroad may be, as if no such sale or disposition had been made.

Railroad commissioner.

SEC. 8. The board of supervisors of each town holding any shares of stock, shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual and special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers and all questions submitted to a vote of the stockholders.

Publication of act.

SEC. 9. This act shall be published in the *Jeffersonian* and one paper published at Columbus, in the county of Columbia, and with the laws of a general nature, and shall be in force from and after its passage.

Approved February 23, 1857.

Chapter 60.

An Act to lay out a state road from Reedsburgh, in Sauk county, to Fancy Creek, Richland county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs to lay out a state road.

SECTION 1. That William Joslin, Haskell Haseltine and Amasa Hoskin, are hereby appointed commissioners to lay out and establish a state road from Reedsburgh, in Sauk county, by way of Rock Bridge to Fancy Creek, in Richland county, on the most direct and feasible route; *Provided*, Said road shall be laid out as far as practicable, not to exceed five degrees of elevation from a horizontal line excepting when crossing streams and ravines, where by bridging and moderate filling the grade thereof may be preserved within the limits aforesaid.

Proviso.

Compensation

SEC. 2. The commissioners shall be entitled to such compensation for their services as the county board of supervisors of the counties where such services shall be performed shall deem just and proper; *Provided*, That no compensation be allowed for laying said road over any part of said route where a road has been previously laid; *And, provided further*, That no compensation shall be paid unless the commissioners have fully complied with the provisions of chapter 44, of the general statutes of 1853.

Provisos.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 61.

An Act to provide for laying out a state road from Neilsville, in Clark county, to Abner, in Buffalo county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs

SECTION 1. That James O'Neil, Robert Nelson and G. S. McCormick, be and are hereby appointed commissioners to lay out and establish a state road from Neilsville, Clark county, by way of Sumner P. O. Trempealeau county, to Abner, Buffalo county.

Compensation

SEC. 2. The said commissioners shall upon the performance of the work be entitled to such compensation for their services as the supervisors of the counties where such services are performed, shall deem just and proper;

Provisos.

Provided, That no compensation shall be allowed for laying the road over any part of the route where a road has previously been laid; *And, provided further*, That no compensation shall be allowed for laying out a state road unless the commissioners shall have fully complied with the provisions of chapter 44, of the general statutes of 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 62.

An Act to amend an act consolidating the several acts relating to the city of Janesville, approved March 31st, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of 5th ward hereby created.

SECTION 1. On and after the first Tuesday of April next, all that territory now included in the third and fourth wards in the city of Janesville, and described as follows, to-wit: Beginning on the west line of said city in the center of Galena street, thence east along the

center of said street to the middle of Rock river, thence down said river to the line between township two and three, thence east to the east line of said city, thence south along the east line of said city to the south line of said city, thence west to the south-west corner of said city, and thence north to the place of beginning, shall constitute a seperate ward and shall be known as the fifth ward.

Election of ward officers.

SEC. 2. At the election to be held in said city in April next, and annually thereafter, an election shall be held in said ward for city and ward officers in the same manner as in the other wards, which election shall be conducted and returns thereof made in the same manner as in the other wards in said city.

Same officers as in the other wards.

SEC. 3. The same officers shall exist in said fifth ward as in the other wards, and said offices shall be filled in the same manner and for the same term as the like offices in the other wards, and the officers elected in said ward shall perform the same duties and be subject to the same liabilities as the like officers in the other wards.

Inspectors of election.

SEC. 4. It shall be the duty of the common council (or in case of their refusal the police justice) of said city, on or before the twentieth day of March next, to appoint three persons to act as inspectors of election at the first election in said ward, who shall take the usual oath of inspectors of elections, and who shall have power to appoint clerks of such election; such inspectors shall conduct the first election in said ward, and shall at least ten days before such election, cause to be published daily in one of the daily papers in said city, a notice of the place in said ward where such election shall be held.

Street commissioner for city at large.

SEC. 5. In addition to the officers now by law to be elected in said city, there shall annually be elected a street commissioner for the city at large, who shall be elected at the same time and in the same manner that other officers are elected in said city, and shall hold his office for the term of one year and until his successor is elected and qualified.

His duty.

SEC. 6. It shall be the duty of the street commissioner to superintend all improvements in said city, and carry into effect all orders of the common council in relation thereto; and he shall also have the superintendence of all improvements and repairs made to streets,

sidewalks, alleys, lanes and other city grounds, whether the same shall be made by direction of the common council, a board of street commissioners, or made voluntarily by the owner or occupant of such ground or of land adjacent to such improvement.

Same.

SEC. 7. The street commissioner shall have the general care and superintendence of the streets, side-walks, alleys, public grounds, and bridges of the city: and the common council may, by ordinance, from time to time, regulate and prescribe his powers and duties, and fix the compensation for his services; which said compensation shall be paid from the city treasury. And the common council shall have power at any time, for proper cause, at their discretion, to remove said commissioner, and in all cases of removal as aforesaid, it shall be the duty of the common council to order a new election; *Provided*, That no person shall be removed from office by said common council without their first giving such person personal notice of the charges or causes of his removal, and grantig him a hearing thereon.

Compensation

Council may remove commissioner.

Proviso,

Board of street commissioners

SEC. 8. The street commissioner and the aldermen of the several wards shall constitute the board of street commissioners for said wards respectively, and one of the said aldermen, or some one appointed by the board, shall be clerk of such board, and keep a record of all the acts and doings of said board, and preserve all the papers and records thereof. The street commissioner and two of the aldermen of any ward shall be a quorum of the board of street commissioners for such ward; and the said board of street commissioners for such ward in said city shall have and exercise the same powers, and do and perform the same duties as the respective boards of street commissioners have heretofore had and exercised, done and performed; except that all work, grading, repairing, &c., of whatever kind, connected with streets, alleys, sidewalks, bridges, &c., in said city, shall be done under the superintendence of the street commissioner; and except, where any owner or occupant of any lot or parcel of land adjoining any street, lane, alley, or ground to be repaired or improved, shall fail to do the work required to be done, that the same shall be done by the street commissioner, who shall keep an accurate account of the cost and expense thereof, including items of materials furnished and labor done,

Quorum.

Their powers and duties.

and such cost and expense shall be charged to such lot or parcel of land, and if not paid, the same shall be collected as now provided by said charter of said city of Janesville.

Repairs and improvements, how proceeded with.

SEC. 9. Whenever the common council or board of street commissioners for any ward, shall determine to make any repairs or improvements, as authorized by sections three, four, and five of chapter seven of said charter, the street commissioner, after the estimate mentioned in said section six shall be made and filed as therein provided, shall give notice, by advertisement in the city paper, to the owners or occupants of the lots or parcels of land to be charged with the cost and expense thereof, or with any portion of such cost and expense, and also by serving such notice personally on each such owner or occupant, requiring them to do the work mentioned in such notice within a reasonable time, not less than thirty days, therein to be specified, and if the said work shall not be done within such time, the same shall be done by the street commissioner; *Provided*, That if any such owner or occupant cannot be found or served personally, that a copy of such notice may be left at his usual place of abode, with some proper person, or with his agent, or posted on the lot or parcel of land to be charged.

Proviso.

Bond of commissioner.

SEC. 10. The street commissioner shall, before entering upon the duties of his office, execute a bond to the city of Janesville, in such sum and with such sureties as the common council shall approve, conditioned that he will faithfully execute the duties of his office, and account for and pay over all money and other property received by him, which bond, with the approval aforesaid endorsed thereon by the mayor, shall be filed in the office of the city clerk.

Election to fill vacancy.

SEC. 11. Whenever a vacancy shall occur in the office of street commissioner, such vacancy shall be filled by a new election, which may be ordered by the common council, and held within twenty days after such vacancy shall occur.

Tax.

SEC. 12. The city council shall annually levy a tax upon all the taxable property in said city, not exceeding one per cent., to defray the current expenses of the city, and also an additional tax of such sum as they may deem necessary for the building and repair of roads and bridges, the support of the poor and for the support of

schools. The rule of taxation in said city shall be uniform; *Provided*, That in no case shall the real or personal property within the territorial limits of said city, and not included within the boundary limits of the recorded plat of the village of Janesville or of any addition to said village, which may be used, occupied or reserved for agricultural purposes, be subject to an annual tax to defray the current expenses of said city exceeding one half of one per cent., nor for the building and repair of roads and bridges more than one half as much on each dollar valuation as shall be levied for such purpose on the property within such recorded plat, nor shall the same be subject to any tax for any of the purposes mentioned in section three of chapter five, chapter seven and chapter nine of the act hereby amended.

Proviso.

Expenses of improvements, how collected.

SEC. 13. The costs and expenses of laying out, opening, grading, graveling, planking or paving any public road or highway, or the sidewalk of any such highway or road in or over that part of said city not included within any of the recorded plats aforesaid, shall be levied, assessed, collected and paid by said city in the way and manner now provided by law for defraying the expenses of laying out, opening, working and repairing highways in towns.

Police Justice jurisdiction.

SEC. 14. The police justice for said city shall have exclusive jurisdiction in all civil proceedings wherein the city shall be a party, and shall have sole and exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, and shall have the same power and authority in cases of contempt as a court of record.

Who are entitled to vote.

SEC. 15. Persons entitled to vote for county or state officers, who shall have resided within the ward where the vote is offered for thirty days next preceding the election, shall be entitled to vote for any officer to be elected in said city; and if any person so offering to vote shall be challenged for any cause, before his vote shall be received, he shall take the same oath and answer the same questions required by law of persons offering to vote for state and county officers, varying the form of such oath so far only as may be necessary to make the same applicable to this act and the act hereby amended.

Repealing clause.

SEC. 16. All that portion of section twelve of chapter

three of the act hereby amended preceding the proviso in said section, and all other acts and parts of acts now in force, which in any manner conflict with the provisions of this act, are hereby repealed.

SEC. 17. This act shall be in force and take effect from and after its passage.

Approved February 23, 1857.

Chapter 63.

An Act to authorize the town of Winneconne, in the county of Winnebago, to aid in construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors authorized to loan credit of town for railroad purposes.

SECTION 1. For the purpose of aiding in the construction of any railroad terminating at, passing through, commencing at, or which the said town may be a point, the supervisors of said town are hereby authorized to loan the credit of said town to the said railroad or railroads in the sum not exceeding fifty thousand dollars; and for that purpose the said supervisors of the said town are fully authorized and empowered to issue the bonds of said town, in such form and for such sum or sums as they may think proper; *Provided,* That the whole amount does not exceed the said sum of fifty thousand dollars. Proviso.

Bonds.

SEC. 2. The said bonds shall be executed by the chairman of the board of supervisors of said town, and countersigned by the clerk thereof, and shall be redeemable in not less than two, or more than twenty years from the date thereof, and shall bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually.

Railroad company to execute bond to secure town.

SEC. 3. Before the issue of any such bonds, the railroad entitled to receive them shall execute and deliver to the said town and its assigns, for the use and benefit of the town, a bond, under the corporate seal of said railroad company, duly executed in a penal sum of double the amount of the par value of the bonds of

said town delivered to said railroad company, conditioned that the said company shall punctually pay and discharge the principal and interest due, or to become due, on any bonds issued to the said railroad company, and shall fully indemnify and save harmless the said town against all payments, liabilities, losses, damages and expenses which the said town may sustain or incur in consequence of the issue and delivery of any such bonds, and the board of supervisors of said town may, before the delivery of any such bonds, require such additional security from such railroad company, for the faithful application of the proceeds of the said town bonds issued in aid of said company, in the construction of said road, and for the faithful performance of the conditions of their said bonds, as in their opinion will be just and reasonable.

May issue entire amount to one company, etc.

SEC. 4. The board of supervisors shall have power, by virtue of this act, to issue the whole amount of fifty thousand dollars to any one railroad company, of said town bonds; but no bonds shall be issued to any railroad company until the question of the issue of the same shall have been submitted to and been approved by a majority of the qualified freehold electors of said town voting on the question, in the manner provided by this act.

Faith of town pledged, etc.

SEC. 5. For the payment of the principal and interest of any bonds issued by said town, in pursuance of this act, the faith of the said town is hereby firmly and irrevocably pledged.

Bonds shall not be issued until vote of inhabitants is had.

SEC. 6. No bonds shall be issued to any railroad company, by virtue of the provisions of this act, until the question of issuing the same shall have been submitted to and approved of by a majority of the qualified freehold voters of said town voting on the question, at such time or times, and in such place or places, and in such manner as the supervisors of said town shall direct, of which public notice shall be given at least three weeks before voting on such proposition, by notice posted in three or more public places in said town. Only one proposition shall be submitted to the said electors at any one election, and which shall state the amount of the bonds proposed to be issued, and to what railroad company. At such election, those voting in favor shall vote a ballot with words inscribed thereon, "For the railroad," and those voting against, shall vote a ballot with the

words inscribed thereon, "Against the railroad." The board of supervisors of said town shall determine the manner of conducting the said election of elections, and making the necessary returns of the same.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 64.

An Act to vacate certain highways in Pierce county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All highways in the village of Prescott, and the additions thereto, which do not conform to the streets thereof, are hereby declared vacated. Highways vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 65.

An Act to provide for laying out a state road from Sumner, in Trempealeau county, to Chippewa Falls, in Chippewa county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That E. A. Gallaway, Benj. McCormick and G. S. McCormick, be and are hereby appointed commissioners to lay out and establish a state road from the termination of the Galesville road in the town of Sumner, Trempealeau county, to Chippewa Falls, Chippewa county. Commissioners

Compensation

SEC. 2. The said commissioners shall upon the performance of the work, be entitled to receive such compensation for their services, as the supervisors of the counties through which said road shall pass shall deem just and proper; *Provided*, That no compensation shall be allowed for laying said road over any part of the route where a road has been previously laid; *And, provided further*, That no compensation shall be allowed for laying out said road, unless the commissioners shall have fully complied with the provisions of chapter 44 of the general statutes of 1853.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 66.

An Act to enable the city of Milwaukee to complete the Harbor at the Straight Cut, in said city.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Council may issue bonds to complete harbor.

SECTION 1. The mayor and common council of the city of Milwaukee are hereby authorized and empowered to issue such an amount of the bonds of said city as may be necessary to complete the harbor at the Straight Cut, in such denominations as they may deem proper, bearing a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and both principal and interest payable at such time and place as may be determined by ordinance of the common council.

Tax to pay interest.

SEC. 2. The common council of the city of Milwaukee shall annually levy a tax upon all the taxable property in said city sufficient to pay the interest on all the city bonds which may be issued under this act, and shall also provide in the same manner for the payment of the principal of all such bonds at maturity, which tax shall be levied and collected and the collection

thereof enforced in the same manner as other city taxes are levied and collected by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 67.

An Act to lay out a state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. E. A. Galloway, Robt. Mariner and Rodman Palmer, are hereby appointed commissioners to lay out a state road from Black River Falls, in Jackson county, to Hudson, in St. Croix county, by the way of Chippewa Falls, in Chippewa county; *Provided, always,* That none of the expenses incurred therefor shall be paid from the state treasury. Commission'rs to lay out a state road.

SEC. 2. This act shall take effect from and after its passage.

Approved February 23, 1857.

Chapter 68.

An Act to change the boundaries of the towns of Racine, Caledonia and Mt. Pleasant, in the county of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundaries of the towns of Racine, Caledonia and Mt. Pleasant, are hereby altered so that each of said towns shall include within its limits, and To change the boundaries of certain towns.

consist of the following territory, in the county of Racine:

Caledonia—its territory.

1. The town of Caledonia shall include all that territory in said county east of the west line of range No. twenty-two (22) east, which lies between the north line of said county, and line running from the south-west corner of section nineteen (19), in township No. four (4) north, of range No. twenty-two (22) east, eastwardly on the section line to the east line of said county.

Racine—its territory.

2. The town of Racine shall include all that territory in said county east of the west line of said range No. 22, which lies south of a line running eastwardly from the south-west corner of said section No. 19, on the section line, to the east line of said county, and north of a line running from the south-west corner of section No. 7, in township No. three (3) north, of said range No. 22 east, eastwardly on the section line to the east line of said county; excepting therefrom all the territory within said limits now included in the city of Racine.

Mt. Pleasant—its teritory.

3. The town of Mount Pleasant shall include all that territory in said county east of the west line of said range No. 22, lying south of a line running from the south-west corner of section No. 7 aforesaid, eastwardly on the section line to the east line of said county, and north of the south line of said county; excepting therefrom all of the territory within said limits now included in the city of Racine.

Places to hold town meetings

SEC. 2. The next annual town meeting in each of said towns shall be held at the following places: In the town of Caledonia, at the School House near the residence of Peter Van Vliet; in the town of Racine, at the School House, near the residence of Thomas Hood; and in the town of Mount Pleasant, at the Fountain House, on the Racine and Rock River plank-road.

Town of Racine must fulfil certain contract.

SEC. 3. The said town of Racine shall fulfil a certain contract made by the supervisors of said town of Mt. Pleasant with Benjamin Reynolds for the erection of a certain bridge near the residence of the said Reynolds, (the location of the said bridge being within the limits of said town of Racine as established by this act), and said town of Racine shall pay for the erecting of said bridge.

When act takes effect.

SEC. 4. This act shall take effect and be in force from and after the 6th day of April, A. D. 1857.

Approved February 23, 1857.

Chapter 69.

An Act to legalize the corporation election in the village of Lake Mills.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The election held at Manning's Exchange Hotel, in the village of Lake Mills, on the last Monday in March, A. D. 1856, to elect officers for said village, is hereby legalized, and the officers elected thereat are hereby declared duly elected, and all the proceedings of said corporation subsequent thereto are hereby ratified and made valid. Election of officers declared valid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1857.

Chapter 70.

An Act to incorporate the Nemadji Boom Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Marcus W. McCracken and his associates and successors, be, and they are hereby constituted a body corporate, by the name of the "Nemadji Boom Company," and so continue for the space of twenty years, and by that name may sue and be sued, make by-laws, not inconsistent with the laws of this State, for the management of their corporate concerns. Corporators and style.

SEC. 2. That said company may erect and maintain such a number of booms as may be necessary, with sufficient piers on either side, across the Nemadji river, in the county of Douglass, upon land owned by said company, or by consent of the owners thereof, for the purpose of stopping and securing logs, spars, square timber, and other timber; *Provided*, That said booms May erect booms. Proviso.

shall be so arranged as to permit the free passa
boats and rafts at all times, and if any raft of lu
shall, by neglect or accident, be carried into said b
said boom may be opened so as to take out said r
it can be done without injury to said company, o
wise it shall be taken out at the space kept open fo
passage of rafts.

Toll for boomage.

SEC. 3. Whenever any logs, spars, square timbe
other lumber, in the log or tree, shall be secured
boomed, the said corporation shall be allowed the
a toll for boomage of (ten cents) per thousand feet,
measure, and they shall have a lien on all logs or
ber so boomed or secured, for the payment of boom

When company may sell logs for boomage.

SEC. 4. Whenever any logs shall be thus boomed
secured, and no person shall appear in behalf of
owner thereof to take delivery of the same, an
pay the boomage thereon, the said company are he
authorized, in case such charges shall remain un
for ten days thereafter, to sell a sufficient quanti
logs or timber as will pay the same, and expense
sale, giving notice thereof by publication, for two w
in any one newspaper published in Douglass cou
The books of said corporation shall at all times be
for the inspection of all persons.

Opening of the boom.

SEC. 5. If any raft of lumber shall, by neglect o
cident, be carried into said boom, it shall not be la
for the owner, or any person for him, to open said b
at any time for the passage of rafts or logs, withou
giving notice to said corporation, or their agents.

SEC. 6. This act shall take effect and be in force
ane after its passage.

Approved February 23, 1857.

Chapter 71.

An Act to incorporate the Eau Claire Seminary.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That N. C. Chapman, T. G. Thorp, Ira Mead, R. F. Wilson, and W. H. Gleason, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, under the name and title of the Eau Claire Seminary, by which they and their successors shall be ever known.

Style.

Corporate powers.

SEC. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure; it shall have power to acquire, purchase, receive by gift, possess, hold and enjoy property, real and personal, and to mortgage, sell, convey, rent, or otherwise lawfully dispose of the same at pleasure; *Provided*, The real estate to be held by this corporation at any one time shall not exceed in value the sum of thirty thousand dollars.

Proviso.

Stock.

SEC. 3. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be prescribed by its by-laws.

Management of business.

SEC. 4. The business of said corporation shall be managed by a board of seven trustees, who shall be elected by ballot annually, by the stockholders, from their number, and who shall hold their office until their successors are duly elected. A majority of said trustees shall constitute a quorum.

Powers of the trustees.

SEC. 5. The trustees shall have power to elect from their number a president, secretary, and treasurer; also, to elect all other officers of the corporation; to call special meetings of the stockholders, to fill vacancies in the board of trustees; to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation in such manner as shall be directed by the stockholders; to direct and keep in repair all necessary

buildings for the use of said corporation; to em
suitable teachers and to give direction as to the cc
of study and discipline to be observed in the acad
and generally to manage the business and funds of
corporation, and to make all rules, regulations and
laws necessary to carry into effect the power h
granted, and not inconsistent with the constitution
laws of this State.

First election of trustees.

SEC. 6. Any three of the above named persons
have power to call a meeting of said association fo
purpose of electing the first board of trustees, by gi
six days notice thereof by publishing said notic
some newspaper printed in the county of Eau Clai

Stockholders' votes.

SEC. 7. At all elections and meetings of said ass
tion, each stockholder shall be entitled to one vot
each share of stock owned by him; *Provided*, At n
ings of the board of trustees, each trustee shall cas
one vote.

Style of institution.

SEC. 8. There shall be no sectarian instructio
said institution, and no religious test or qualifica
shall be required of any trustee, officer, teacher, or
dent of the same.

Subject to amendment.

SEC. 9. This act may be amended by any fu
legislature.

SEC. 10. This act shall be in force from and afte
passage.

Approved February 23, 1857.

Chapter 72.

An Act providing for the removal of the county seat of Calumet c
from Chilton Center to Court Square, and to repeal Section fiv
of Chapter two hundred and seventy-eight, (278) of the S
Laws of 1852.

The people of the State of Wisconsin, represente
Senate and Assembly, do enact as follows:

Voters may vote for removal.

SECTION 1. The legal voters of the county of C
met may vote, at the time of the next town me
election, for the removal of the county seat of Cal
county, from the plat called Chilton Center, to the

d Court Square, in the town of Chilton, in said
nty of Calumet.

Ballots to be used.

. 2. The vote shall be taken by ballot, either writ- r printed, or partly written or partly printed, and be in the following form: The ballot for the re- l shall be, "For the removal of the county seat ourt Square." The ballots against the removal be "Against removal of the county seat," and all id ballots shall be deposited in a separate box, and ssed and returned in the same manner as the of any general election.

Of removal.

. 3. If a majority of the votes cast upon that sub- t such election, shall be in favor of removal to Square, then from and after the time of canvass- ch vote, the county seat of said county shall be ed and *permanently* located on the plat called Square.

Irregular votes

. 4. The board of canvassers shall reject all votes hich do not express the words, "For removal of ounty seat to Court Square," [or the words] nst the removal of the county seat."

Duty of clerk of board of supervisors.

. 5. The clerk of the board of supervisors shall a notice to be posted in three of the most public in each town of said county of Calumet, to the that the qualified voters of the said county will, time of holding the next town meeting election, or or against the removal of the county seat of the ounty of Calumet, in accordance with the provi- of this act; a notice to the same effect shall be hed in all newspapers published in counties ad- the said county of Calumet, over the signature clerk of the board of supervisors.

Repealing certain enactm'ts.

. 6. The fifth section of chapter two hundred and y-eight, (278) of the session laws of eighteen ed and fifty-two (1852), and all other acts and f acts now in force and contravening the provis- f this act, are hereby repealed.

. 7. This act shall take effect from and after its ation.

roved February 23, 1857.

Chapter 73.

An Act for the relief of Michael Keely.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Relieving clause.

SECTION 1. That the commissioners of the school and university lands, are hereby authorized to cancel the sale of the south-west quarter of the north-east quarter of section number twenty, township number thirteen, north of range number thirteen east, made on the third day of December, A. D. 1856, to Michael Keely, and that they be directed to return to said Michael Keely the amount paid for said land.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 74.

An Act to authorize School District number three in the town of Menomonee to raise money to build a school house.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special meeting.

SECTION 1. School district number three, in the town of Menomonee, in the county of Waukesha, is hereby authorized to hold a special school district meeting in said district, for the purpose of voting a tax to build a school house in said district. Such special district

How called

meeting shall be called by the clerk of said district at such time and place as the district board shall direct, by posting up notices at least one week before the time of holding such meeting, signed by him, in four of the most public places in said district, particularly specifying the time, place, and object of said meeting. The

Who may vote

inhabitants of said district qualified by law to vote at school district meetings in said district, when assembled

nant to such notice, shall, by a majority of the
s of those present and entitled to vote, determine the
l to be raised by tax in said district, subject, how- Amount of tax
; to such limitation as is now provided by law; and
school district tax so voted shall be assessed and
cted in the manner now required by law for the
sment and collection of school district taxes.
c. 2. This act shall take effect from and after its
ge.
pproved February 24, 1857.

Chapter 75.

To amend chapter 265, of the private and local laws of the year 1856.

eople of the State of Wisconsin, represented in ate and Assembly, do enact as follows:

TION 1. That chapter 265 of the private and local of the year 1856, approved March 28th, 1856, be Amending clause.
he same is hereby amended by striking out the
, "two miles above" in the said chapter 265, and
ing in lieu thereof the words, "one mile above."
. 2. This act shall take effect and be in force from
fter its passage.
proved February 24, 1857.

Chapter 76.

To repeal chapter 153 of the private and local acts of the year entitled "An act to authorize the people of Washington county on the question of loaning their credit in aid of the Air Line ail," approved March 18th, 1856.

eople of the State of Wisconsin, represented in ate and Assembly, do enact as follows:

TION 1. Chapter 153 of the private and local acts Act repealed.
Legislature of the year 1856, entitled "an act to

authorize the people of Washington county to vote on the question of loaning their credit in aid of the 'Air Line Railroad,'" running from the city of Milwaukee to the village of West Bend, thence to the city of Fond du Lac, thence to Oshkosh, thence to Menasha, and thence to Green Bay, in Brown county, and providing for the issuing of bonds therefor, is hereby repealed.

No more bonds may be issued.

SEC. 2. No bond or other evidence of debt, shall hereafter be issued or negotiated under the provisions of the act hereby repealed; but the repeal of said act shall in no wise affect any bonds or other evidence of debt heretofore issued and *bona fide* negotiated.

SEC. 3. This act shall be in force from and after its passage.

Approved February 24, 1857.

Chapter 77.

An Act to incorporate the Oakland Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. C. L. Dimock, James H. Knowlton, A. Finch, A. Hyatt Smith, and J. H. Earnest, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the Oakland Mining Company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity; may have a common seal and alter the same at pleasure, and may enjoy all the privileges incident to incorporations, for the purpose of mining, smelting, and manufacturing lead and metals in the county of Lafayette.

Style and privileges.

Powers.

SEC. 2. The said corporation shall have power to purchase, hold, and convey real and personal property;

Proviso.

Provided, That the whole amount of real estate held by such corporation shall not exceed at any one time in value the sum of five hundred thousand dollars.

First meeting.

SEC. 3. The first meeting of said corporation may be called by the persons named in this act, at such time

and place as may be mutually agreed upon by them, and at such meetings, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules, and regulations for the management of the business of said corporation as a majority may direct, not repugnant to the laws of this State or of the United States. Management.

SEC. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof in such manner, as said corporation shall from time to time deem expedient. Stock.

SEC. 5. This act shall be deemed a public act, and construed favorably in all courts of law, and shall take effect from and after its passage. Public act.

Approved February 24, 1857.

Chapter 78.

An Act to amend an act entitled "An act to incorporate the Air Line Railroad Company," and in relation thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate name of the "Air Line Railroad Company" is hereby changed to "Milwaukee and Fond du Lac Air Line Railroad Company," and by the latter name said corporation shall hereafter be known, and shall have and enjoy the same powers, franchises, privileges and immunities, and be subject to all the duties and obligations now belonging and appertaining to the said "Air Line Railroad Company" under its act of incorporation. Name changed. Franchises.

SEC. 2. Said railroad company may apply to any county or circuit judge of any county through which said railroad shall run, for the appointment of commissioners in the cases and for the purposes mentioned in section thirteen of the act of the Legislature entitled "an act to incorporate the Air Line Railroad Company," approved April 4, 1854, and any and every such county or circuit judge shall have the same power to appoint Courts to appoint commissioners.

such commissioners that is in and by said section conferred upon the circuit judge of the fourth judicial circuit.

Milwaukee may issue city bonds to aid.

SEC. 3. The common council of the city of Milwaukee are hereby authorized and empowered to issue and deliver to the Milwaukee and Fond du Lac Air Line Railroad Company all of the corporate bonds of said city, heretofore authorized to be issued, and which have not yet been issued and delivered to the Milwaukee, Fond du Lac and Green Bay Railroad Company, by or under an act of the Legislature, entitled "an act authorizing the city of Milwaukee to loan its credit in aid of certain railroads," approved April 2, 1853, and an ordinance of said city of Milwaukee passed May 19, 1853, and approved by the voters of said city at an election held for that purpose pursuant to said act. Said bonds shall be issued to said Milwaukee and Fond du Lac Air Line Railroad Company, however, upon the same terms and conditions, and in the same manner as provided by sections two, three, four, five, six and seven of said act of April 2, 1853, and shall be applied to aid in the construction of said Air Line Railroad between West Bend and Fond du Lac.

La Crosse railroad Company must consent to issue bonds.

SEC. 4. No bonds shall be issued by said city to said Milwaukee and Fond du Lac Air Line Railroad Company pursuant to this act, until the La Crosse and Milwaukee Railroad Company (in which the said Milwaukee and Fond du Lac Railroad Company has been merged by consolidation), shall by a writing to be filed with the clerk of the city of Milwaukee, consent to such issue, and release the said city from all claim of said La Crosse and Milwaukee Railroad Company, to said bonds hereby authorized to be issued.

Repealing and amending clause.

SEC. 5. Section seven of the act entitled "an act to amend an act entitled 'an act to incorporate the La Crosse and Milwaukee Railroad Company,'" approved March 28th, 1856, is hereby repealed, and "West Bend" is hereby inserted in the "act to incorporate the Milwaukee, Fond du Lac and Green Bay Railroad Company," wherever it was stricken out by the section hereby repealed, and it is declared to be a point in said last mentioned road.

SEC. 6. This act shall take effect from and after its passage.

Approved February 24, 1857.

Chapter 79.

An Act to provide for laying out a State Road from Sparta, Monroe county, to the county seat of Clark county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs

Route.

SECTION 1. That William Burlingame, Charles B. McClure, and E. H. Anderson be and the same are hereby appointed commissioners to lay out and establish a State road, commencing at Sparta, Monroe county, from thence following the road now laid and traveled to the village of Athens, in town seventeen (17) north, of range three (3) west; thence by the most practicable route, to the mills of Holden, Anderson & Co., in town eighteen (18) north, of range three (3) west; thence to Wilson's mills, in town nineteen (19) north, of range three (3) west; and from thence, by the most practicable route, to the county seat of Clark county.

Compensation

Proviso.

SEC. 2. The said commissioners shall be entitled to receive such compensation for their services, from the counties through which the road may run, as the boards of supervisors of the said counties may allow; *Provided*, That no compensation shall be allowed for laying said road over any portion of the route where a road has already been laid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 80.

An Act to provide for laying out a state road from Springer's Point, in Waupaca county, to Wautoma, in Waushara county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs

SECTION 1. W. C. Isbel, Edward Saxe and George W. Smith, are hereby appointed commissioners to lay out

Route. and establish a State road from the village of Springer's Point, in the county of Waupaca, to Wautoma, in the county of Waushara.

Compensation SEC. 2. The said commissioners shall, upon the performance of the work, be entitled to such compensation for their services as the supervisors of the counties where such services are performed, shall deem just and

Provisos. proper; *Provided*, That no compensation shall be allowed for laying the road over any part of the route where a road has previously been laid; *And, provided further*, That no compensation shall be allowed for laying out said road unless the commissioners shall have fully complied with the provisions of chapter 44 of the general statutes of 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 81.

An Act authorizing the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs SECTION 1. Edward Sax, John Dildine, and George Hawley, of the county of Waushara, are hereby appointed commissioners to lay out and establish a State

Route. road from the village of Grand Rapids, in the county of Wood, across Big Prairie, to Saxville, and from thence to Poysippi village, in the county of Waushara.

Compensation SEC. 2. The said commissioners shall, upon the performance of the work, be entitled to such compensation for their services as the supervisors of the counties where such services are performed shall deem just and

Provisos. proper; *Provided*, That no compensation shall be allowed for laying the road over any part of the route where a road has been previously laid; *And provided further*, That no compensation shall be allowed for laying the said road, unless the commissioners shall have

fully complied with the provisions of chapter 44 of the general statutes of 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 82.

An Act authorizing the laying out of a State Road therein mentioned.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. David Scott, of the county of Waupaca, and William D. Barker and Jacob Cady, of the county of Waushara, are hereby appointed commissioners to lay out and establish a State road from the village of Poysippi, in the county of Waushara, to Waupaca Falls, in the county of Waupaca. Commission'rs. Route.

SEC. 2. The said commissioners shall upon the performance of the work be entitled to such compensation for their services as the supervisors of the counties where such services are performed, shall deem just and proper; *Provided,* That no compensation shall be allowed for laying the road over any part of the route where a road has been previously laid; *And, provided further,* That no compensation shall be allowed for laying out a state road unless the commissioners shall have fully complied with the provisions of chapter 44, of the general statutes of 1853. Compensation. Provisos.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 83.

An Act to provide for laying out a State Road from Mauston, in Juneau county, to Rich's Corners, in Adams county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs Route.

SECTION 1. James Cotter, Thomas Rich and George Williams, are hereby appointed commissioners to lay out and establish a state road commencing at Mauston, in the county of Juneau, running east through the towns of Lemonweir and Wauceda, on the most practicable route to Williams' Ferry, on the Wisconsin river; thence on the most practicable route to Rich's Corners, in Adams county.

Compensation Proviso.

SEC. 2. The said commissioners shall be entitled for laying out said road such compensation as the board of supervisors of said counties may deem fit to allow; *Provided*, That no compensation shall be allowed for laying out the said road over any route which shall have previously been laid, nor until they have fully complied with chapter 44, of the general laws of the year 1853.

SEC. 4. This act shall take effect from and after its passage and publication.

Approved February 24, 1857.

Chapter 84.

An Act to provide for laying a State Road from Black River Falls, Jackson county, to Sumner, Trempealeau county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs Route.

SECTION 1. Benjamin McCormick, Ira Allen, and G. S. McCormick are hereby appointed commissioners to lay out and establish a State road from Black River Falls, Jackson county, to Sumner, Trempealeau county.

SEC. 2. The said commissioners shall, upon the performance of the work, be entitled to such compensation for their services as the supervisors of the counties where such services are performed shall deem just and proper; *Provided*, That no compensation shall be allowed for laying the road over any part of the route where a road has already been laid; *And provided further*, That no compensation shall be allowed for laying out a State road, unless the commissioners have fully complied with the provisions of chapter 44 of the general statutes of 1859. Compensation. Provisos.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 85.

An Act to provide for laying out a State Road from the city of La Crosse, to Orion, in Richland county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. T. H. Horton, Henry Herrick and H. P. Austin, be and the same are hereby appointed commissioners to survey and lay out a State road from the city of La Crosse, *via* Viroqua, New Brookville and Readstown, to Orion, in Richland county. Commission'rs. Route.

SEC. 2. The commissioners appointed by this act shall upon the performance of the work in accordance with section first, be entitled to such compensation for their services as the supervisors of the counties through which the road passes, shall deem just and proper; *Provided*, The commissioners shall not be entitled to any compensation for laying the road over any portion of the route where a road has been previously laid. Compensation. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 86.

An Act to provide for laying out a State Road from Neshonee, in La Crosse county, to the Chippewa river, in Dunn county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs Route.

SECTION 1. Harvey P. Farrington, L. D. Farrington, and Orlando Brown be and the same are hereby appointed commissioners to lay out and establish a State road from Neshonee, in La Crosse county, by the most direct and feasible route, to the Chippewa river, in Dunn county, at or near the mouth of Bear creek.

Compensation Provisos.

SEC. 2. Said commissioners shall be entitled to receive such compensation for their services, from the counties through which the road may run, as the boards of supervisors of the said counties may deem proper; *Provided*, That no compensation be allowed for laying said road over any part of the route where a road has been previously laid; *And provided further*, That no compensation be allowed, unless the commissioners have fully complied with the provisions of chapter 44 of the general statutes of 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 87.

An Act to provide for laying out a State Road from Mauston, in Juneau county, to Leon, in Monroe county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs Route.

SECTION 1. That Horace Croswell, D. M. Fowler and S. L. Lockwood, be and the same are hereby appointed commissioners to lay out and establish a state road from Mauston, in Juneau county, by the way of Rhoads' Mills, in Monroe county, to Leon, in Monroe county.

SEC. 2. Said commissioners shall be entitled to such compensation for their services from the counties through which the road may run, as the board of supervisors of the said counties may allow; *Provided*, That no compensation be allowed for laying said road over any part of the route where a road has been previously laid. Compensation. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 88.

An Act to legalize the election of officers for the village of Neenah, and their subsequent proceedings, and to provide for the collection of taxes therein.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The election held at Weeden's Hotel, in the village of Neenah, on the first Monday of April, A. D. 1856, to elect officers for said village, is hereby legalized, and the officers elected thereat are hereby declared duly elected, and all their proceedings subsequent thereto are hereby ratified and made valid. Election of officers declared valid.

SEC. 2. It shall be lawful for the board of trustees of said village, after the passage of this act, to proceed to levy and collect such general and special tax as they may have determined to raise for the year 1856, and said tax shall be collected in all respects, except as to time, according to the provisions of chapter 52 of the revised statutes and the amendments thereto, approved March 28, 1856; *Provided*, That the warrant to be delivered to the marshal, as mentioned in section 45 of said chapter, shall be made returnable in thirty days instead of sixty; *And provided, also*, That the notice to be given by said marshal, according to section 48 of said chapter, shall be a notice of twenty days, instead of two months; *And provided further*, That in case the tax upon any lot or other parcel of land shall remain unpaid on the first day of April, 1857, the treasurer of said village shall proceed to the collection thereof May levy taxes. Provisos.

as prescribed in said chapter 52, in case such tax shall remain unpaid on the first day of October.

Apply to tax of 1856.

SEC. 3. Section two of this act shall apply to the collection of the tax only of 1856.

SEC. 4. This act shall take effect immediately after its passage.

Approved February 24, 1857.

Chapter 89.

An Act to amend an act entitled "An Act to incorporate the Mercantile Insurance Company," passed March 31, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to section 4, relative to opening of books.

SECTION 1. Section 4 of an act entitled "An Act to incorporate the Mercantile Insurance Company," passed March 31, 1856, is hereby amended so as to read as follows: The said directors shall cause books to be opened at such time and place as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such time and place, by publication in a newspaper printed in the city of Milwaukee; and shall require ten dollars on each share of stock subscribed, to be paid at the time of subscribing.

Amendment to sec. 5, closing of books and election of directors.

SEC. 2. Section 5 of said act is hereby amended so as to read as follows: As soon as ten hundred shares of the capital stock of said company shall be subscribed, and ten dollars on each share actually paid in, and the remainder of said unpaid stock secured by mortgage on unincumbered real estate, equal thereto in value, or by pledge of State Stocks, or in such other manner as the directors shall approve, the books of subscription shall be closed and no more subscriptions received until after the election of directors by the stockholders; and the directors shall immediately give at least ten days' notice for an election of five directors, by publication in some newspaper printed in the city

of Milwaukee. The directors of said company shall in all cases be stockholders, and at every election of directors, and all other meetings of stockholders, all votes may be in person or by proxy, and every stockholder shall be entitled to one vote for every share of stock held by him; and in all elections of directors the election shall be by ballot, and those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as the directors shall by resolution or by-laws prescribe. If for any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on ten days' notice being given as aforesaid, and until such election be held the directors of the preceding year shall continue to act, and the said company shall not forfeit or loose any of its privileges, franchises or immunities by reason of the irregularity or want of any such election. Elections.

SEC. 3. This act shall take effect from and after its passage.

Approved February 24, 1857.

Chapter 90.

An Act to vacate certain public highways, and a part of a certain street, in the village of Trempealeau.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of Grove street as lies north of Fourth street, as laid down in the recorded plat of the village of Trempealeau, be and the same is hereby vacated. Street vacated

SEC. 2. That so much of all public highways in the village of Trempealeau, or in any of the recorded additions thereto, as do not conform to the streets in said village, be and the same are hereby vacated, and the board of supervisors of the town of Trempealeau are Highways vacated.

hereby authorized to make such changes in any state roads in said town as may be necessary to have them enter the most convenient streets in said village.

SEC. 3. This act shall be in force from and after its passage.

Approved February 24, 1857.

Chapter 91.

An Act to incorporate the St. Croix Manufacturing and Improvement Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. That Samuel C. Edes, William J. Brownson, Charles N. Bodfish, Allan Dawson, C. St. John Chubb, Thomas McSpedon, Charles N. Baker, their associates and assigns, are hereby constituted a body Style. corporate and politic by the name and title of the St. Croix Manufacturing and Improvement Company, by which name said company shall ever be known, and by such name shall be capable in law and equity of Corporate powers. contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, prosecuting and defending, in all courts and places, and in all manner of actions and cases whatsoever, and may use and have a common seal and the same break and alter at their pleasure, and may purchase and hold and convey, lease, sell, grant, or in any manner dispose of estate, real, personal and mixed, for the use and benefit of said corporation, and generally may do and perform all and singular the acts and matters which to any corporation may lawfully appertain to do and perform, for the well being or advantage of said corporation.

Capital stock. SEC. 2. The capital stock of said corporation shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the above Opening books etc. named persons, or a majority of them, are hereby authorized to cause books to be opened for receiving sub-

scriptions to the capital stock of said corporation, and shall prescribe the form of subscription, which books shall be opened at such time or times or place or places as they may deem expedient; and so soon as six hundred shares shall be subscribed for, and five per cent. of the amount thereof actually paid in, the said corporation shall be authorized to proceed to a full and complete organization of said company; and the said corporation shall have power to increase the capital stock to an amount not to exceed one million dollars in the whole, by a vote of the majority of the board of directors at any regular meeting thereof.

Management and quorum.

SEC. 3. The affairs and property of said corporation shall be managed and conducted by a board of five directors, who shall be stockholders in said corporation, a majority of whom shall form a quorum for the transaction of business, who shall be elected annually, after the present year, by the stockholders, at such time and place and under such regulations as shall be prescribed by the by-laws or adopted by resolution of the board of directors; and it shall be the duty of the secretary of said corporation to notify the stockholders of said company of the time and place of holding such annual meeting, in such manner as shall be prescribed by the by-laws of said corporation; and at all elections, each stockholder shall be entitled to cast one vote for each share of stock held by him in said corporation, and may cast the same in person or by proxy duly authorized.

Annual meeting and elections.

Election of the first directors.

SEC. 4. The first board of directors shall be elected by the subscribers to said capital stock, whenever six hundred shares shall have been subscribed for and five per cent. thereon shall have been paid in, or as soon thereafter as said subscribers shall deem expedient, and the term of office of said first board of directors shall continue until the first annual meeting of said stockholders, and until their successors shall be elected as aforesaid; and if, for any cause, an election shall not be held at the regular time prescribed as aforesaid, the same may be held at any other time, upon notice being given in such manner as shall be directed by the by-laws of said company, and this charter shall not be impaired or vacated by reason of any irregularity or want of any such election; and in case of any vacancy happening in the board of directors, by the death or resignation of any director, such vacancy shall be filled by

To fill vacancy

the remaining members of the board by the appointment of a director to fill the same.

By-Laws.

SEC. 5. The directors shall have power and authority to make such by-laws as they may think proper, respecting the management of the property, concerns, business, stock, government and powers of said corporation, and exercise all the power which may be prescribed by such by-laws, not inconsistent with this act or with the constitution and laws of this State. They shall also have power from time to time, to make such alterations or modifications of their by-laws as they may deem fit or necessary; to prescribe by their by-laws or by resolution, the time, manner and proportions in which the stockholders shall pay the amount of their respective subscriptions, and to forfeit to the use of the company, or to sell all stock, any portion of which shall be unpaid.

May nullify the same, etc.

President and officers.

SEC. 6. The board of directors, shall, at their annual meeting, elect a president and such other officers as may be deemed necessary for the management and conduct of the business and property of said company, who shall hold their offices for the term of one year, and until their successors shall be chosen, and shall have such powers and perform such duties as by the by-laws of said corporation shall be prescribed.

Powers.

SEC. 7. The said corporation shall have power to purchase, sell, and manufacture logs, timber, lumber, shingles, lath, and to maintain, carry on, conduct and exercise such other manufactures as they may deem proper, for their benefit, advantage or convenience, and may purchase, acquire, manufacture and use any and all machinery, and any and all patent rights, necessary, convenient, proper or useful for such manufacturing purposes or the prosuecution of their business. They may erect and maintain all suitable buildings and machinery for such manufacturing purposes on any land owned or to be owned by them at or in the vicinity of St. Croix Falls, in this State; and the said corporation are hereby authorized and empowered to erect and maintain one or more dams across the St. Croix river, at such point or points above the head of steamboat navigation as they shall elect; *Provided*, That if any such dam shall cause the water to flow back upon lands not owned by said corporation, then they shall pay to the owner or owners of such lands the amount of damages occasioned by such overflowing, irrespective of

Proviso.

any enhancement of the value thereof by the occasion of the erection of said dam; such amount of damages to be ascertained by the verdict of a jury in an action of trespass to be by such owner or owners brought before the circuit court in and for the county of Polk; *And, provided further*, That no dam constructed and maintained under the provisions of this act shall ever be constructed, or maintained, so that by means thereof the water of said river shall be set back so as to in any manner at any stage of water affect or injure any mill owner who now has, or may have a mill constructed on said stream prior to the construction of a dam under the provisions of this act, anything in this act contained to the contrary notwithstanding, and the said corporation is also authorized and empowered to erect and maintain a boom or booms at such point or points on said river as they may deem necessary, with sufficient piers, in such manner and form and with such strength as will stop and hold all logs and other things which may float in said river, and such dam or dams shall be so constructed as not to prevent the driving of logs down said river; *Provided*, The said dam or dams be erected above the section line between sections nineteen and thirty on said St. Croix river. Proviso. Proviso.

Disposition of logs not claimed.

SEC. 8. Whenever any saw logs shall be bound and secured in any boom constructed or maintained by said company, and no person shall appear on behalf of the owner or owners thereof to claim the same, the said corporation may cause the said logs to be sawed into lumber and accurately measured; and after deducting the usual rates for sawing, the balance of said lumber, or the proceeds thereof, shall be kept by said corporation, subject to the order or disposition of the owner. The said company shall keep in a book kept for that purpose, an accurate account of all logs, so taken and sawed, and of all marks thereon.

May execute bonds, notes, etc.

SEC. 9. The said corporation are hereby authorized in their corporate capacity and name, to make, execute, and deliver to any person or persons, trustee, or body corporate or politic, bonds, notes, contracts or agreements for the payment of money, or delivering of lumber, or any other personal property, and also mortgages or other deeds, with all usual covenants of any real estate by them held, owned or occupied; and to sell and dispose of any such bonds, notes, contracts, or

agreements, for such price or consideration as they shall think fit. And the company is hereby authorized and fully empowered in its corporate capacity to borrow any sums of money, from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon—any law on the subject of usury in this State or any other State, where such transaction may be had, to the contrary notwithstanding; *Provided*, That nothing in this act shall be so construed as to confer banking powers upon the said corporation.

May borrow money.

Proviso.

Public act.

SEC. 10. This act is hereby declared to be a public act, and shall be favorably construed in all courts and places whatever, and shall take effect from and after its passage.

Approved February 24, 1857.

Chapter 92.

An Act to repeal an act to authorize the county of Oconto to aid in the construction of the Green Bay, Menominee and Lake Superior Plank-road, approved October 13, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. An act entitled an act to authorize the county of Oconto to aid in the construction of the Green Bay, Menominee and Lake Superior Plankroad, approved October 13, 1856, is hereby repealed; "*Provided*, That nothing herein contained shall be so construed as to divert any right *bona fide* accrued or vested under the provisions of the act hereby repealed."

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 93.

An Act to authorize the City Treasurer of the city of Kenosha, to execute a bond.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Treasurer authorized to execute a bond.

SECTION 1. The city treasurer of the city of Kenosha is hereby authorized to execute the bond required by law to be executed by him, before proceeding to collect taxes; and such bond when executed and filed as required by law, shall have the same effect to all intents and purposes, as if the same had been filed before proceeding to collect such taxes.

SEC. 2. This act shall take effect from and after its passage.

Approved February 24, 1857.

Chapter 94.

An Act for the relief of the counties of Chippewa and Dunn.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax remitted to County of Chippewa.

SECTION 1. There is hereby remitted to the county of Chippewa the sum of one thousand nine hundred and ninety-two dollars and seventy-five cents, being the amount of State tax overcharged to said county by the State board of equalization for the years A. D. 1854 and 1855, which sum shall be passed to the credit of said county in its settlement with the State treasurer, for delinquent taxes.

To County of Dunn.

SEC. 2. There is hereby remitted to the county of Dunn, the sum of eight hundred and eighty-seven dollars and seventy-four cents, being the amount of State tax overcharged to said county by the board of equalization for the years 1854 and 1855, which sum shall be

passed to the credit of said county in its settlement with the State treasurer for the delinquent taxes of the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 95.

An Act to incorporate the Young Mens' Association of the city of Watertown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. W. C. Spalding, R. S. Little, D. W. Ballou, W. H. Clark, H. B. Gallup, W. A. Niles, C. B. Skinner, Wm. Pitt Bartlett, J. T. Moak, their associates and successors, are hereby created a body corporate and politic,

Style.

by the name of the Young Mens' Association of the city of Watertown, and by that name to remain in perpetual succession, for the purpose of establishing and

Corporate powers.

maintaining a library and reading room, instituting literary and scientific lectures, and providing other means of moral and intellectual improvement, with powers for such purpose, to take, purchase, devise or otherwise, and to hold, transfer and convey real and personal property to the amount of twenty-five thousand dollars, and also further to take, hold and convey all such books, cabinets, library, furniture and apparatus, as may be necessary for attaining the object, and carrying into effect the purpose of the said corporation.

Management.

SEC. 2. The control and disposal of the funds, property and estate, and the direction and management of all the concerns of said corporation, under such direction and restriction as may be imposed by the rules and regulations thereof, shall be vested in a board of directors, to consist of the president, vice president, secretary, treasurer and the executive committee of five of said corporation, who shall be elected annually to their respective offices, by such members of the corporation, not indebted thereto, as shall by the rules and regulations thereof, be entitled to vote at such election.

Officers, etc.

SEC. 3. The several officers of the said association at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation hereby created, until the expiration of the term for which they were elected and qualified, and all personal property, funds or securities now owned and held by the said association, or by said officers, or either, or any of them, or by any other person or persons in trust for the said association, or for the use or benefit of the same, including all debts due or to become due, to the same from the members thereof for stated dues, in arrears, fines, &c., or from any other person or persons, shall vest in, and become the property of, and may be sued for, and received in the name of the corporation hereby created, and the said corporation shall assume, and be liable for all debts, all contracts and agreements entered into previous to the passage of this act, by any of the officers thereof, lawfully acting in behalf of said association.

Constitution and by-laws.

SEC. 4. The present constitution and by-laws of the said association, as far as the same are consistent with the provisions of this act, and not inconsistent with the constitution of this State, or of the United States, shall continue in force as the laws and regulations of the corporation hereby created, until the same shall be legally altered and amended.

Estate, property, etc.

SEC. 5. The estate, property, and funds of the said corporation, shall be devoted solely to the general purposes and objects specified in the first section of this act.

SEC. 6. This act shall take effect immediately.

Approved February 24, 1857.

Chapter 96.

An Act to extend the time for the collection of taxes in the county o Monroe.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time extended

SECTION 1. The time for the collection of taxes in the county of Monroe is hereby extended to the first Tuesday of April next.

Treasurers—their powers.

SEC. 2. The town treasurers of the several towns of the said county of Monroe shall have the same power to proceed to collect the taxes yet remaining due by distress and sale of goods and chattels of persons and corporations as now required by law, notwithstanding any informality in the tax list.

Payment by town treasurers to county treasurer.

SEC. 3. The several town treasurers shall pay over to the county treasurer all taxes collected by them required by law to be paid over to said county treasurer on or before said first Tuesday of April next, and shall at the same time make return to said county treasurer of all lands upon which the taxes are then unpaid, as required by law, and the county treasurer is directed to proceed to sell such lands upon which the taxes are unpaid for such unpaid taxes, on the second Tuesday of May next, giving notice thereof for the time and in the manner and conducting said sale in all respects as now required by law.

Time of payment to state treasurer extended.

SEC. 4. The time for the payment of taxes to the State treasurer by the county treasurer of the county of Monroe, is hereby extended to the fourth Tuesday of April next.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 97.

An Act to amend chapter 78 of the private and local laws of 1853, entitled "An act to incorporate the Watertown and Madison Railroad Company," approved March 17th, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended so as to extend road

SECTION 1. Chapter 78 of the private and local laws of 1853 is hereby so amended as to authorize and empower the said Watertown and Madison Railroad Company to extend, construct, and maintain their said railroad from the city of Madison to some point on the Mississippi river at the mouth of Platt river.

Shall form a part of W. and M. R. R.

SEC. 2. The said railroad, from the city of Madison westerly, shall form a part of and be connected with the Watertown and Madison Railroad, and all privileges, immunities and restrictions, contained in the said act of incorporation are extended and continued to the said company in the construction of said road from the city of Madison to the Mississippi river.

Capital stock increased.

SEC. 3. The capital stock of the Watertown and Madison Railroad Company is increased to three millions of dollars.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 98.

An Act to provide for laying out a State Road from Mauston, to intersect the Black River Falls road, in Bad Ax county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs to lay out a road.

SECTION 1. That Ira A. Swetland, William A. Jocelyn and L. M. Hausbury, be and hereby are appointed commissioners to lay out and establish a State road from Mauston, in Adams county, via One Mile Post Office,

Fowler's Prairie, Hillsborough, Debello, Yaba, Spring Valley and Fancy Creek, to a point intersecting the State road from Orion to Black River Falls.

To make report of survey

SEC. 2. Said commissioners shall immediately after laying out said road, cause a report of their survey to be made and filed with the clerk of the board of supervisors of each county through which said road shall pass, and in all respects comply with the requirements of chapter 44 of general laws of 1853

Compensation

SEC. 3. Said commissioners shall be entitled to such compensation as the board of supervisors of each county through which said road shall pass shall deem proper, and the same shall be paid by said counties respectively; *Provided*, No compensation shall be allowed for laying out so much of said road as lies upon any other road heretofore laid out.

SEC. 4. This act shall take effect from and after its passage.

Approved February 25, 1857.

Chapter 99.

An Act to authorize the construction of a dam across the Waupaca river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to construct dam.

SECTION 1. That Charles L. Gormar and Richard Holdsworth, their associates and assigns, are hereby authorized to construct and maintain a dam across the Waupaca river, on any lands owned by them, in section thirty-six, township twenty-two north, of range twelve east of the fourth principal meridian.

In case of overflow.

SEC. 2. In the event said dam shall cause the water to flow back upon any land not owned by the said Gormar and Holdsworth, their associates and assigns, then they shall pay to the owner or owners thereof all damages in consequence of such overflow, to be ascertained by the verdict of a jury in action of trespass, to be brought by the owner or owners of such overflowed lands, in any court of record in Waupaca county.

SEC. 3. The said Gormar and Holdsworth, their associates and assigns, shall provide and keep up a slide or chute in said dam, sufficient to pass a raft twenty feet wide and drawing twenty inches of water. Slide or chute

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1857.

Chapter 100.

An Act to amend chapter 269 of Private and Local Laws for 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and sixty-nine of the private and local laws of 1856, entitled "an act to authorize the town of Omro, in Winnebago county, to subscribe stock to a railroad," is hereby so amended as to read "not exceeding eight per cent." instead of "two per cent." as appears in the ninth line of section two of the aforesaid chapter. Amendment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1857.

Chapter 101.

An Act to incorporate the Wolf River Boom Company, and to repeal chapter 101 and 540 of the Private and Local Laws of the year 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Benjamin Brickley, Flavius J. George, James H. Weed and Walter H. Weed, and their associates and assigns, are hereby constituted a body corporate and politic, for the purposes hereinafter mentioned, by the name and title of the Wolf River Boom Company, Corporators. Style.

and by that name, they, and their successors and assigns,
Corporate powers. shall, and are hereby made capable in law, to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court of equity or elsewhere, and to purchase and hold any estate, real, personal or mixed, and the same to grant, sell, lease, mortgage, or otherwise dispose of, for the benefit of said company, to devise and keep a common seal, and enjoy all the privileges, franchises, and immunities, incident to a corporation.

Rafting and charges. SEC. 2. Said company shall raft in a good workmanlike manner, and deliver at the foot of said boom, in as expeditious a manner as possible, all logs, square or round timber, that may be run through said boom, and charge therefor twelve cts. per log by count, for all logs (of a less length than twenty-two feet), if an average scale of less than five logs to the thousand feet, and ten cts. per log for all logs of an average scale of five or over five logs to the thousand feet (of a less length than twenty-two feet), and eighteen cts. per log for all logs of from twenty-two to twenty-six feet in length, and twenty-five cts. per log for all logs of a greater length than
Proviso. twenty-six feet; *Provided*, That in no case the said company shall receive more than fifty cts. per thousand feet; and one half cent per lineal foot for square timber;
Proviso. *Provided*, That rafts of logs, timber or lumber that may by accident or otherwise float into said boom, shall only be charged with such reasonable compensation as will indemnify said company for the safe delivery of the same.

Boom charges —when due. SEC. 3. Boom charges shall be deemed due upon notice being served by said company upon parties owning logs, or their agents or legal representatives, that a part, or the whole of their logs or timber are rafted, and ready for delivery; and if said charges are not paid within ten days after said notice shall have been served, said company shall cause notices to be posted at Fond du Lac, Oshkosh, Winneconne and at the boom, that enough of said logs will be sold at public auction to pay said charges and costs; said sale to take place within ten days after posting of said notices. Said company shall not be held liable for any accident that may occur to said logs after their owners or agents have received notice that they are ready for delivery; and if all logs are not removed within eight days after said

Company not liable for accident after notifying owner, etc.

notice shall have been made, said company may remove said logs or timber (at the risk of said owner's) to some point between the foot of said boom, and the town of Winneconne, and charge a reasonable compensation therefor. The sale of logs for unpaid charges above mentioned may be adjourned by said company by posting notices (stating the day of adjournment), at the above mentioned points. Sale of logs for charges.

SEC. 4. Owners of logs or timber shall drive and sack their drives into said boom, unless ordered by said company to run said drives into side booms or bayous to be provided by said company at such point between Lake Poygan and section seventeen, town twenty-two, north of range fifteen east, and if so directed by said company, said logs shall be driven from such point by said company at their own expense. Said drives of logs shall be entirely under the control of said company between the above mentioned points. Said owners of logs or timber shall furnish, and run ahead of their respective drives, in suitable rafts, sufficient material for rafting their respective logs, and if said material is not furnished by said owners of logs, said company shall furnish the same, and charge a reasonable compensation therefor. Booming, etc.

SEC. 5. Said company shall be liable for all damages or loss that may occur from their neglect to keep their boom in proper repair and shall also be responsible for the safe delivery of all logs or timber which may enter said boom. Company liable when boom is not in repair.

SEC. 6. Said company shall keep a book for the registry of all marks of logs, at the office of Weed & Gumaer, at Oshkosh (until otherwise ordered by said company), in which book, all owners of logs on the Wolf River and its tributaries, running into said boom, shall cause their respective marks to be registered, and all logs bearing such marks, shall be delivered to the possession of persons indicated by said registry, and all prize logs or timber running into said boom shall become the property of said company; *Provided*, That if by accident or otherwise, two different owners shall run the same mark into said boom, the person whose mark shall have been registered, shall first receive his requisite number of logs; *And, provided further*, That no owner shall record a mark to be made on the end of Book for registry of logs, etc. Proviso. Proviso.

logs, unless he has also a mark recorded upon the side of the same.

May establish other booms, etc.

SEC. 7. Said company are authorized and empowered to construct, maintain, and keep a boom at some point between their present boom and Lake Poygan, as they shall select, and are authorized to collect the same rates of charges as provided for in section two of this act, and the said company shall have the exclusive privilege of booming the Wolf River, its tributaries and bayous from Lake Poygan to section seventeen, town twenty-two, range fifteen east; *Provided*, That said booms shall in no wise interfere with the free navigation of said river.

Proviso.

Capital stock.

SEC. 8. The capital stock of said company shall be twenty thousand dollars, in shares of one hundred dollars each. Said company shall meet at the office of Weed & Gumaer, at Oshkosh, (until otherwise ordered by said company), on the first Monday of March of this year, and on the first Monday of March of each succeeding year, and proceed to the election of a president, secretary and treasurer, who shall hold their office for one year; each share shall be entitled to one vote; and shall also proceed to enact a code of by-laws for the government of said company, not inconsistent with the provisions of this charter.

Election of officers.

Appointment of commissioners to assess the damages.

SEC. 9. The judge of the fourth district of the State of Wisconsin, shall upon application of said company, appoint three commissioners to adjudge any damage that any person or persons or the occupying by said company of any portion of said land that said company may deem necessary for purposes of rafting or fastening rafts to the shore. The adjudgment of said commissioners shall be final, unless the award of damages exceed fifty dollars, in which case either party shall have the right to appeal to the circuit court.

Repealed.

SEC. 10. Chapter 101 and 540 of the private and local laws of the year 1856, are hereby repealed.

SEC. 11. This act shall take effect from and after its passage.

Approved February 25, 1857.

Chapter 102.

An Act to vacate certain blocks in the first and fifth wards of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Plat vacated.

SECTION 1. The plat of ground known and described as block number one hundred and seven, in the fifth ward of the city of Milwaukee, together with the alley in the said block, is hereby vacated.

Plat vacated.

SEC. 2. The plat of ground known as Haertel street, situated in lot eleven (11), in section sixteen (16), town seven (7) north, of range twenty-two (22) east, in the first ward of the city of Milwaukee, is hereby vacated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 103.

An Act to authorize the Common Council of the city of Madison to erect and maintain Fountains in the Capitol Park.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Council auth'ris'd to erect fountains in capital park.

SECTION 1. The common council of the city of Madison is authorized to erect within the capitol park in said city, at such points therein as the Governor may select, four fountains, of such size, style, and capacity, as they may deem proper; and to make or cause to be made all necessary excavations and fixtures for that purpose.

Control of the fountains.

SEC. 2. The control of said fountains and fixtures, so far as may be necessary to their preservation and repair, shall be vested in said city, but the Governor may make such proper regulations in relation thereto as may be necessary to protect trees, shrubbery or grass, and not inconsistent with the purposes contemplated in this act.

Filling excavations, etc.

SEC. 3. All excavations made shall as soon as possible thereafter be carefully filled and leveled, and the surface thereof, when thus completed, sown with grass or clover seed, so as not to mar the harmonious appearance of said park; and all work done in and upon said fountains and fixtures shall be done at the sole charge and cost of said city.

How to construe act.

SEC. 4. This act shall not be so construed as to allow the city to put any reservoirs upon the grounds.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 104.

An Act to amend sections six and seventeen of chapter seven, and section seventeen of chapter ten of an act entitled "An act to incorporate the city of Madison."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendm'nt to charter rel'tive to assessment.

SECTION 1. Section six of chapter seventeen of an act entitled "An act to incorporate the city of Madison," is hereby so amended as to read: The assessors may assess any lot or tract of land in such parcels or sub-divisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. Section seventeen of said chapter is hereby so amended as to read: The city treasurer shall receive one per cent. fees upon all taxes paid to him before the first day of January, and three per cent. fees upon all taxes collected by him after that time, to be added to the amount of taxes and collected with the same.

Treasurers fees on taxes.

Relative to deeds and how executed, etc.

SEC. 2. Section seventeen of chapter ten of the aforesaid act is hereby so amended and construed as to authorize the treasurer of the city of Madison, in making any deed for lots or lands heretofore sold by the treasurer of the village of Madison, for the payment of taxes in said village, to make the same in the name of the city of Madison; and every deed so made and executed

by the city treasurer shall be received in all courts of this State as *prima facia* evidence that all the proceedings relating to or affecting the tax for which such lot or lands was sold, from the assessment to the making of such deed inclusive, were regular, correct, and performed according to law, and no other act shall be required of such city treasurer in relation to lots so sold, except the making and acknowledging such deed as aforesaid, except issuing certificates of redemption for such lots as may be redeemed.

Council shall have no power to issue bonds.

SEC. 3. The mayor and common council of the city of Madison shall have no power hereafter to issue, sell, or dispose of any city bonds of said city whatever, except such as may be specially authorized for the enlargement of the capitol.

Offices abolished.

SEC. 4. The offices of marshal and city attorney of said city are hereby abolished.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 105.

An Act to confirm the proceedings of the Supervisors of the town of Metomen, in the county of Fond du Lac, in laying out a highway in said town.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Survey of highway legalized.

SECTION 1. Any person who shall consider himself aggrieved by the order of the supervisors of the town of Metomen, made on the tenth day of November, A. D. 1855, in laying out a public highway as surveyed by Warren Reed, surveyor, as follows: "Commencing at the south-east corner of section thirty, township fifteen, range fourteen, in said town of Metomen, and running thence north 63¼ degrees, west one hundred and two rods to a stake, lying twelve rods due west of the west line of the east half of the south-east quarter of said section thirty, thence north twenty-nine rods and five links to the intersection of the south end of Jefferson street

in the village of Fairwater," may, within thirty days after the passage of this act, apply for an appraisement of damages in the manner authorized by chapter 16 of the revised statutes of this State, with the same right as if such application had been made within thirty days after such order had been made, or the laying out of said highway.

Parties aggrieved may demand an appraisement.

Proceedings when parties neglect to seek an appraisem't

SEC. 2. If any person through whose lands said highway shall be laid shall neglect to make such application and have his damages appraised, according to the provisions of said chapter, it shall be the duty of the supervisors of said town, together with A. F. Bush, Oliver Besly, and Walter Starbord, residents of said town, or any three of them, within twenty days thereafter, to appraise such damages to each owner of land through which such highway passes, as shall be reasonable and just; and on filing such appraisal as shall be made by the jury, or by the said supervisors and A. F. Bush, Oliver Besly, and Walter Starbord, or any three of them, in case no jury shall be applied for, the proceedings of said supervisors and A. F. Bush, Oliver Besly, and Walter Starbord shall be final in laying out said road, and the same are hereby confirmed, and the highway so laid out shall thenceforth become a lawful highway in said town.

SEC. 3. This act shall take effect from and after the passage thereof.

Approved February 26, 1857.

Chapter 106.

An Act to authorize School District number one, in the town of Hustisford, Dodge county, to draw its proportion of the school moneys for eighteen hundred and fifty-six.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Superintend't to apportion school money to a certain town.

SECTION 1. The superintendent of schools for the town of Hustisford, in the county of Dodge, is hereby authorized and required to apportion to school district

number one in said town its proportion of the school money for the year eighteen hundred and fifty-six. Section forty-five of the laws of this State, relating to common schools, is hereby suspended for the purpose of this act, and for none others.

SEC. 2. This act shall take effect from and after its passage.

Approved February 26, 1856.

Chapter 107.

An Act to authorize Lyman M. Newberry, to construct and maintain a Ferry across Black River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Lyman M. Newberry, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the term of six years, of keeping and maintaining a ferry across Black river at "Ox Bow Bend," on section number twenty-nine, township number nineteen north, range number five west, in La Crosse county, Wisconsin. Right to keep a ferry.

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietor thereof shall be entitled to receive for crossing any vehicle drawn by two horses or one yoke of oxen, forty cents; for each additional horse or ox, ten cents; for a horse and buggy, twenty-five cents; for a man and horse, fifteen cents; for sheep and hogs, five cents each; and for each footman, ten cents. Regulations and toll.

SEC. 3. No ferry shall be licensed within two miles of the location of the above established ferry for the term of six years. No ferry shall be licensed within two miles of same.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1857.

Chapter 108.

An Act to authorize the Town Superintendent of Schools for the town of Highland, Iowa county, to disburse to School District No. 8, its proportion of the school money for the year 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town superintendent to apportion school money to a certain town.

SECTION 1. The town superintendent of schools for the town of Highland, in the county of Iowa, is hereby authorized and required to disburse to school district number eight, in the town of Highland, its proportion of the income of the school fund for the year 1857, based upon the number of children residing in said district over the age of four and under the age of twenty years, as the same shall have appeared from the last annual report of the clerk of said district.

SEC. 2. This act shall take effect from and after its passage.

Approved February 26, 1857.

Chapter 109.

An act to amend an act entitled "An act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852, and an act amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporate limits of Milwaukee extended.

SECTION 1. The corporate limits of the city of Milwaukee are hereby enlarged and extended so as to include within the said city the east half of sections numbers thirteen (13), twenty-four (24), twenty-five (25) and thirty-six (36), in township number seven (7), north of range twenty-one (21) east; the east half of section number one (1), in township number six (6), north of range number twenty-one (21) east; and the south half of sections numbers four, five and six, (4, 5 and 6), in township six (6) north, of range number twenty-two

east, and also so much space as lies south of the present boundary line of said city of Milwaukee, and north of the south line of the said sections numbers four, five and six, continued due east to the eastern boundary line of the State in Lake Michigan, which section line so continued shall be the southern boundary line of said city. So much of the territory hereby added to the said city as lies west of the sixth ward of said city, shall constitute a part of the sixth ward thereof, and so much of said territory as lies west of the second ward of said city, shall constitute a part of the said second ward; and so much thereof as lies west of the fourth ward of the said city, shall constitute a part of the said fourth ward, and so much of the remaining portion of a territory hereby added to the said city as lies west of a line running through the centre of Monroe street, continued to the south line of said city as hereby established, shall constitute a part of the eighth ward of said city, and all the rest of the territory hereby added to the said city shall constitute a part of the fifth ward of said city, and the said territory shall be subject to the laws, regulations and ordinances governing the respective wards, to which the same is hereby attached.

Territory added to the sixth ward.

Second ward.

Fourth ward.

Eighth ward.

Fifth ward.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 110.

An Act to incorporate the West Hill Academy in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Adam Finger, Samuel Herman, Nicholas Reinel, Andreas Tuchlereiter, and M. N. Becker, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, to be styled by the name and title of West Hill Academy; and for

Corporators.

Style.

the purpose of carrying out the provisions of this act, they shall have the right of acquiring and holding property and erecting and maintaining buildings for school purposes; by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and to be contracted with, to plead and be impleaded, to defend and be defended, in all courts of law and equity.

Powers.

Seal.

May hold property.

Proviso.

SEC. 2. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold, and enjoy property, real and personal, for the aforesaid purposes, and to sell and convey the same, or otherwise lawfully dispose of the same at pleasure; *Provided*, The usual estate to be held by this corporation shall not exceed in value fifty thousand dollars.

Stock.

SEC. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of the said corporation in such manner as shall be directed by the by-laws of said corporation. Said shares of ten dollars each may be paid in such installments as the by-laws of said corporation shall direct; but no member shall be entitled to a vote unless his share shall have been fully paid.

Meeting—how called.

SEC. 4. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof, by posting up notices in at least three public places in the said city of Milwaukee, where said corporation is located, and by publishing the same in at least one of the German and American daily newspapers published in said city.

Election of trustees.

Proviso.

SEC. 5. At the first legally notified meeting, the stockholders shall have power to elect by ballot five trustees, who shall be elected for one year by the stockholders, annually; *Provided*, That all trustees shall hold their offices until others are elected in their place.

Elections, etc.

SEC. 6. At all elections and meetings of the corporation, each stockholder shall be entitled to one vote for each share of full paid stock owned by him.

Trustees—their powers.

SEC. 7. The trustees shall have power: First, To elect from their number a president, secretary, and treasurer, also to elect all other subordinate officers of the corporation. Second, To call special meetings of the stockholders, to fill vacancies in the board of trustees. Third, To sell, lease, mortgage, or otherwise dispose of any

real or personal property of said corporation in such manner as shall be directed by the stockholders; also, to erect and keep in repair all necessary buildings for the use of said corporation. Fourth, To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in the academy of said corporation. Fifth, To prescribe the duties and fix the salaries of all the teachers of said corporation, and to remove and suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their place. Sixth, To make, subject to the approval of the stockholders, all such regulations as may be necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State.

No religious test required.

SEC. 8. No religious test or qualification shall be required of any trustee of said corporation, nor of any student or teacher of said academy.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 111.

An Act to provide for laying out a State Road from Prescott, in Pierce County, to Sparta, in Monroe County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission'rs

SECTION 1. Franklin Otis, H. C. Williams, Harvey P. Farrington, and E. Sanford Blake, be, and the same are hereby appointed commissioners to lay out [and] establish a State road from Prescott, in Pierce county, via Trimbell, O'Galla Mills, Chippewa, on the Chippewa river, in Dunn county, and from thence to L. G. Wood's, in Bear Creek valley; from thence to Harvey P. Farrington's, in Buffalo county; thence to Black River Falls, in Jackson county, and from thence to Sparta, in Monroe county.

Route.

To place survey on record.

SEC. 2. The said commissioners, after the above road shall have been surveyed and located, shall cause the same to be put on record in the office of the register of deeds of each county through which the road may run.

Compensation

SEC. 3. Said commissioners shall be entitled to receive such compensation for their services from the counties through which the road may pass, as the several boards of supervisors of the said counties may deem proper; *Provided*, No compensation be allowed for laying said road over any part of the route where a road has been previously laid; *And provided*, That no part of the expense of laying said road be paid by the State.

Proviso.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 112.

An Act granting to James Akers, Thomas I. Smith and Charles McClure, the right to establish and maintain a Ferry across the main channel of the Mississippi river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons auth'riz'd to keep a ferry.

SECTION 1. That James Akers, Thomas I. Smith and Charles McClure, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the period of fifteen years, of keeping and maintaining a ferry across the main channel of the Mississippi river, at the village of Trenton, in the county of Pierce, and State of Wisconsin, or within one mile of said point, up and down said river.

To keep good boats.

SEC. 2 The said James Akers, Thomas I. Smith and Charles McClure, shall, within one year after the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle and other property, and for the accommodation of foot passengers; and shall at all times give ready and

prompt attendance on passengers or teams, on all occasions and at all hours of the day or night; but persons crossing said ferry at night, may be charged double the fare hereinafter prescribed.

Point of landing.

SEC. 3. The said corporation may land their boats' passengers and property, on any public highway which may terminate within the points above specified, or on the lands of any person or persons owning the same, first having procured their permission so to do.

To file bond per fulfilment of contract.

SEC. 4. The said James Akers, Thomas I. Smith and Charles McClure, shall, within ten months after the passage of this act, file or cause to be filed, with the clerk of the board of the supervisors of the county of Pierce, a bond with the said board, with two or more secureties, in the penal sum of two thousand dollars, conditioned, that they will fulfill all the duties imposed upon them by this act, and in case of their failure so to do, they shall forfeit all the benefits that might accrue to them from its passage.

Liable for any neglect.

SEC. 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross the said ferry, the aforesaid corporators shall forfeit a sum not exceeding twenty dollars, to be recovered by and for the use of said county, by a civil action before any court having competent jurisdiction; and shall be further liable in like action, for all damages any person may sustain by reason of the neglect of the aforesaid corporators to fulfill any of the duties imposed upon them by this act or any one in their employ.

Toll.

SEC. 6. The rates charged for crossing at said ferry, shall not exceed the following rates: For each foot passenger, twelve and one-half cents; for each horse or mule, with or without rider, twenty-five cents; for each two horse or two ox or two mule team, loaded or unloaded, with driver, fifty cents; each single horse carriage, with passengers, thirty-seven and one-half cents; each swine or sheep, two cents; all freight of merchandise or other articles not in teams, at the rate of fifteen cents per hundred weight, fifty cents per thousand feet of lumber, and five cents per hundred weight for all other articles.

Forfeit for overcharge of toll.

SEC. 7. If the said James Akers, Thomas I. Smith and Charles McClure, their heirs or assigns, or any ferryman, or other person employed by them, shall take,

exact or receive any greater or higher rate of ferriage for transporting persons, teams, goods and chattels, or other things whatsoever, than is allowed by this act, any person so offending shall forfeit and pay for every such offence, the sum of ten dollars, to be recovered with costs of suit, before any justice of the peace within the state, and for the use of any person who shall sue therefor.

All other persons liable who shall set up a ferry, etc.

SEC. 8. If any other person or persons shall, after the establishment of the said ferry as aforesaid, set up or keep or maintain any ferry, or shall carry any person, goods or chattels for hire or pay, across the Mississippi river, from any place on the east side or shore of said river, within the points above specified, every such person shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered as aforesaid, by and for the use of any person who shall sue for the same;

Proviso.

Provided, That nothing herein contained shall be deemed or construed to prevent any person who resides within the limits aforesaid, and on the east bank of said river, from the right of making use of their own boats in transporting themselves and property across the same at pleasure.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 113.

An Act to amend chapter two hundred and sixty-seven (267) of the private and local laws of 1856, Approved March 28th, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to tax.

SECTION 1. That the act entitled "An Act to authorize the city of Sheboygan to aid in the construction of the Sheboygan and Mississippi Railroad Company," approved March 28th, 1856, is hereby amended as follows, to wit: No taxes shall hereafter be levied under the provisions of the aforesaid act, until after the qualified

electors of the several wards in said city of Sheboygan, shall, by a majority of all the votes given at the several annual elections that shall be held at the times hereinafter mentioned, have declared in favor of the levy of additional or other tax, than what has heretofore been levied under the provisions of the said act.

Vote on additional tax.

SEC. 2. The question of additional tax, or no additional tax, under the said act, shall be submitted to a vote of the qualified electors of the several wards of the said city, at the annual elections for the election of mayor and other city officers, pursuant to the charter of said city, in each of the several years, to wit: Eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine. And if said electors at either of said several elections, by a majority of all the votes then cast on the question of additional tax or no additional tax, shall be given against any further additional tax, at either of said elections, then, in such case, no other or additional tax under the said act approved March 28th, 1856, for or during either of said years, shall be levied, but if for a tax at either of said elections, then it shall be, and hereby is made the duty of the common council of said city, to cause to be levied a tax pursuant to said act, in and for either of said years, when such affirmative vote shall have been given.

Proceedings after vote is had.

SEC. 3. Whenever it appears by the result of either of said elections, that said electors have voted against a further levy of tax, under said act, the effect thereof, shall be to cancel the amount of tax authorized by the said act, to be levied in any one year. Nothing in this act contained shall be so construed as at all to effect or impair the validity and collection of any tax heretofore levied under the provisions of the act aforesaid.

Ballots.

SEC. 4. Every elector voting at any election on the question of "additional tax," or "no additional tax," shall have printed or written on his ballot either the words "for tax," or the words "no tax."

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 114.

An Act to amend an act to incorporate the Milwaukee and Fond du Lac Air Line Railroad Company, approved April 3, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment —appeals and change of venue.

SECTION 1. In every case in which an appeal shall be taken in the manner provided in the 13th section of the act of which this is amendatory, approved April 3, 1854, either party shall be entitled to a change of venue for the trial of said cause, on affidavit filed, stating the belief of the affiant that a fair trial cannot otherwise be had.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 115.

An Act to vacate alleys in block numbers 37, 117 and 118, in the fifth ward of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Alleys vacated

SECTION 1. That the alleys in the blocks numbers 37, 117 and 118, in the fifth ward of the city of Milwaukee, as laid out and platted, be and the same are hereby vacated and entirely annulled, and the ground over which said alleys are laid out, shall vest in fee in the proprietors of lots adjoining said streets on either side, according to the number and size of their respective lots.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1857.

Chapter 116.

An Act to amend an act to incorporate the Milwaukee and Superior Railroad Company, Approved March 4, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment —appeals and change of venue.

SECTION 1. In every case in which an appeal shall be taken in the manner provided in the 11th section of the act of which this amendatory, approved March 4, 1856, either party shall be entitled to a change of venue for the trial of said cause, on affidavit filed, stating the belief of the affiant that a fair trial can not otherwise be had.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1857.

Chapter 117.

An Act relating to Mill Dams.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to the height of dam

SECTION 1. Section two of the act entitled "an act to authorize Clouden Stoughton and Luke Stoughton to build and maintain a dam across Rock River, and also to authorize Anson W. Pope and Virgel Pope to build and maintain a dam across said stream," approved April 7, 1843, shall be in the following words, viz: Said dam shall not be raised or maintained to a greater height than four feet above the ordinary height of water in said stream, and to that height said dam may be built and maintained; and so soon as Rock River shall be rendered navigable to said dam, the owner or maintainer of said dam shall construct a suitable and convenient lock, not less than one hundred and twenty feet

To construct a lock, etc., for passage of the boats.

long between the gates, and not less than twenty-four feet wide in the clear of the chamber, for the passage of boats, barges and other water craft, when and where said river shall be rendered therefor navigable, in fact, by improvement; and the proprietors of said dam shall maintain said lock and attend the passage of all boats, barges and water crafts through said lock free of all charge to the owner thereof, and the effect of this section shall be the same as though it had been from the beginning a part of the last aforesaid entitled act.

Section restored.

SEC. 2. Section four of the act last aforesaid is hereby restored and revived and the same shall have the same force and effect as though there had never been any repeal thereof.

Repealed.

SEC. 3. Chapter 333 of the laws of A. D. 1851, entitled "An Act to amend an act to authorize Clouden Stoughton and Luke Stoughton to build and maintain a dam across Rock River, and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream," [approved April 7, 1843,] approved March 15, 1851, is hereby repealed.

Public act.

SEC. 4. This act, and the act hereby amended, are hereby declared public acts, and the same shall be printed immediately after the passage thereof, and when so printed shall take effect and be in full force.

Approved February 27, 1857.

Chapter 118.

An Act to incorporate "The Phœnix Insurance Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That James M. Lewis, John W. Hunt, Calvin C. Barnes, Sherman W. Bowen, Elois Harwood, Francis L. Coguin, Charles W. Keith, Duncan McDonald, Charles S. Hawley, Henry Totten, Elihu Enos, Jr., L. A. Mann, John Hodgson and Charles T. Flowers, their associates, successors, and assigns, be and they are hereby created a body politic and corporate, by the

name and style of "The Phœnix Insurance Company," and by that name and style shall be competant to contract and be contracted with, and be capable in law and equity of suing and being sued, of pleading and being impleaded, of answering and being answered unto, in all places and courts, and in all matters and things whatever. Style. May contract, etc.

SEC. 2. Said corporation may have and use a common seal, which they may alter, change, and revoke at their pleasure, and may also establish and adopt, such by-laws, rules, and regulations for the good government and prudent and efficient management of said corporation, as to them shall seem best; *Provided*, That no by-law, rule or regulation of said company shall conflict with the Constitution and laws of the United States, or of this State. Management. Proviso.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such installments as the directors chosen under this act, may from time to time direct, or as may be agreed upon between said company and the stockholders, under such penalties as the president and directors may in their discretion order and appoint. Said capital stock may hereafter be increased to an amount not exceeding five hundred thousand dollars, in the discretion of a majority of the board of directors, to be subscribed for and taken under the direction and superintendance of the president and directors of said company, or by persons duly appointed by them. The stock of said company shall be assignable and transferable, under such rules and regulations as the by-laws may prescribe. Capital stock.

SEC. 4. The corporation hereby created shall have power and authority to make marine insurance upon vessels, steam boats, canal boats, goods, wares, and merchandize, and other personal property, on any of the lakes and rivers, or navigable waters in any of the United States or Territories or British possessions, or on the Atlantic or Pacific Oceans, or any of the bays, inlets, harbors, rivers or other navigable waters connecting therewith. They shall also have power to insure against losses by fire on buildings of any kind, and on goods, wares and merchandize, stock, moneys or other property in any of the United States, and against losses, merchandize and all kinds of personal property, moneys Corporate powers.

and freights, transmitted by railroad, and also to receive moneys on deposit, and to issue certificates or receipts therefor, and to loan any of their surplus capital, at such rates of interest as is or may at any time be allowed by law; they may also cause themselves to be re-insured against any maratime risks, upon which they may have taken risks, and upon the interest which they may have in any vessels, goods, wares and merchandize or buildings.

Policies.

SEC. 5. All policies of insurance, by them made, shall be subscribed by the president, or in case of his death or absence, by the vice president, and countersigned by the secretary of said company; and all losses under any policy so subscribed and countersigned by the secretary of said company, may be adjusted and settled by the president and board of directors.

When to commence business.

SEC. 6. The said company shall not issue any policy by virtue of this act, or do any insurance business whatsoever, until one-fourth of the capital stock shall have been actually paid in.

Shall not issue bank bills.

SEC. 7. Said company shall not issue any bank bill or bills, or any checks, certificates of deposit or evidences of debt, in the form or similitude of money, to pass as a circulating medium; nor shall they directly or indirectly, buy, sell or deal in buying or selling goods, wares and merchandize in any manner whatsoever. But the president and directors may, at their option, vest the capital stock of said company, or so much thereof as they shall deem prudent, in the public stocks of the United States, or any of the states of the Union, or in the stock of any corporation, insurance or trust company, and may sell and re-invest the same at their option, or may loan said capital stock on mortgage or other security, in such sums as they shall deem prudent, at any legal rate of interest.

May vest stock etc.

May hold real estate.

SEC. 8. Said corporation may purchase and hold such real estate as may be necessary for the transaction of its business, and to take and hold by purchase on any sale on any decree or judgment of any court of law or equity on any debt due to said corporation, or take or hold in trust to secure any debt of said corporation, and to take or receive any real estate in payment or satisfaction of debt previously contracted or due to said company, and to hold the same until they can conveniently and

advantageously sell and dispose of the same, and to sell and convey said real estate or any part thereof; *Provided*, That said company shall be compelled to offer all its real estate, except that actually needed for the transaction of its business, at least once in five years in good faith at public auction to the highest bidder. Proviso.

Meeting of the corporat'rs and opening of the books

SEC. 9. The corporation hereinabove named, or their assignees or a majority of them, may meet at such time and place, in the village of Waukesha, as they shall deem best, and open the books of subscription of said corporation, under such rules and regulations and with such conditions as they shall think proper and just, and make all needful rules and regulations for the election of a board of directors of said corporation. In all elections of directors of said company the stockholders shall be entitled to one vote for each and every share of stock that he or she may hold in said company. The board of directors shall hold their office for one year and until their successors are elected and qualified. There shall be five directors elected at the first meeting for the election of directors, which number may be increased or diminished by the by-laws of said company. Three weeks notice shall be given of all meetings for the election of directors by publication in some public newspaper in the County of Waukesha. Elections.

Directors to manage affairs of company.

SEC. 10. The stock, property and concerns of said corporation shall be managed by the board of directors of said company, or a majority of them, or under such by-laws, rules and regulations as shall be made by them as aforesaid. They shall also have power to elect a president and such other officers, agents and employees as they shall think proper, and to fix their compensation. They shall also have power to fix the place for the transaction of the business of said company, and shall publish to the stockholders in the month of January in each year a full and complete statement of the affairs of said company, and may declare annual or semi-annual dividends of the profits of said company. Officers.

Public act.

SEC. 11. This act is hereby declared to be a public act, and shall take effect from and after its passage.

In case of losses.

SEC. 12. In case of any loss or losses taking place which shall be equal to the amount of the capitol stock of said company, and the president and directors after knowing of such loss or losses having taken place, shall issue any policy of insurance, their estates jointly and

When estates of stockhold'rs become liable.

severally shall be liable for every loss that shall accrue under such policy or policies; and the estates of stockholders as aforesaid shall be liable for all losses equal to the amount of stock owned by them respectively.

Approved February 27, 1857.

Chapter 119.

An Act to incorporate the Suamico Lumbering Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. George A. Sayre, John D. Gardiner, Eliphalet Cramer, Norman J. Emmons and Henry L. Gardiner, together with all such persons as shall become stockholders to the capital stock of said company hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic, by the name and style of the Suamico Lumbering Company, and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding, and conveying any estate, real or personal, for the use and benefit of said corporation, and the said company shall have their office at their mills or in the city of Milwaukee.

Style.

Capabilities.

Capital stock.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of said company may direct; *Provided, however*, That the capital stock of said company may be from time to time increased by a vote of a majority of the board of directors, to a sum not exceeding in the aggregate five hundred thousand dollars.

Proviso.

First directors.

SEC. 3. The said George A. Sayre, John D. Gardiner, Eliphalet Cramer, Norman J. Emmons and Henry L. Gardiner, shall be the first directors of said company, and shall, from and after the passage of this act, and until other directors are elected in pursuance of the provisions of this act, have, exercise, enjoy, and perform all the rights, privileges, powers, and duties which by the provisions of this act may or can be exercised, enjoyed or performed by the board of directors to be elected by the stockholders as hereinafter provided.

Op'ning books etc.

SEC. 4. The aforesaid directors, or a majority of them, shall open books for subscription to the capital stock of said company, at such time and place as they shall designate, of which they shall give such notice, in some newspaper, as they may think proper, and after which time subscriptions may be received under their direction, or the direction of any one or more of them, or under the direction of such agent or agents as they or a majority of them may appoint, and whenever five hundred shares or more of the capital stock of said company shall have been subscribed, the said directors shall give such notice as above as they shall think proper to the subscribers of the stock of said company, to meet at such time and place as shall be designated in said notice, for the purpose of electing such number of directors as the directors named in this act shall have determined upon and designated in such notice of election.

Management by directors.

SEC. 5. The property and affairs of said company shall be managed and conducted by a board of directors, who shall be stockholders, consisting of such number as the directors for the time being shall prescribe, and shall have designated in the notice for the annual election. They shall hold their office for one year and until their successors are elected, and shall be elected at the annual meeting of the stockholders, which shall be held at such time and place in this State as the directors shall prescribe, and at every meeting of stockholders, every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him held.

By-Laws.

SEC. 6. The directors shall have power and authority to make such by-laws as they may think proper respecting the management of the property, concerns, business, stock, government, and powers of said corporation, and exercise all the power which may be prescribed by such by-laws, not inconsistent with this act or with the constitution and laws of this State.

Corporate powers.

SEC. 7. The said corporation shall have power to purchase, sell, and manufacture logs, timber, lumber, shingles, lath, and all suitable machinery for the manufacture and use of the same, and also any patent right which they may deem useful in the prosecution of their business, and to prosecute and carry on the lumbering business in all its departments and branches whatsoever; to receive, buy and hold such lands and real estate and other property as may be deemed by them necessary to the successful prosecution of the business aforesaid and the execution of the powers herein granted, and shall have power to erect, build, lay out, construct, and enjoy such buildings, mills, dam, machinery, wharves, piers, and appurtenances on and from and adjacent to the lands of said company as they may deem expedient and proper to engage generally and successfully in the business aforesaid.

May execute bonds, etc.

SEC. 8. The said corporation are hereby authorized in their corporate capacity and name, to make, execute and deliver to any person or persons, trustee or body corporate or politic, bonds, notes, contracts or agreements for the payment of money or delivering of lumber or other personal property, and also mortgages or other deeds, with all usual covenants of any real estate by them held, owned or occupied, and to sell and dispose of any such bonds, notes, contracts or agreements for such price or consideration as they shall think fit, and the company is hereby authorized and fully empowered in its corporate capacity to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, any law on the subject of usury in this State, or in any other State where such transaction may be had, to the contrary notwithstanding.

May borrow money.

Officers, etc.

SEC. 9. The directors of said corporation shall have power to prescribe by their by-laws, what officers of said company, other than directors, shall be elected or appointed, and the mode and manner of their election or appointment, and to prescribe their powers and duties, and mode of removal; they shall also have power to fill any vacancies in their own number, and to prescribe the times and places of their own meetings, also from time to time to prescribe by their by-laws or by resolution, the time, manner and proportions in which the stockholders shall pay the amount of their respective subscriptions, and to forfeit to the use of the company,

or to sell all stock, any portion of which shall be unpaid, and they shall have, possess and exercise all the powers of the corporation.

Estate of corporation subject to tax.

SEC. 10. The real and personal estate of said corporation shall be taxed in the town, county or city, where the same may be situate or found at the time of assessment; and in all legal proceedings against said company it shall be sufficient to serve summons, notice or other process on any officer or agent of said company, or on any person having charge of its business or property or part thereof.

SEC. 11. This act is hereby declared to be a public act, and shall take effect from and after its passage.

Approved February 28, 1857.

Chapter 120.

An Act to incorporate the Western Wisconsin Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Samuel A. Clark, John Jay Chase, Benjamin F. Fay, William E. Parish, Buel E. Hutchinson, Nelson Dewey, Simon E. Lewis, Orsamus Cole, J. Allen Barber, Nathaniel W. Kendall, A. W. Emery, and Benjamin Kilbourn, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate by the name and style of the Western Wisconsin Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation: they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break, and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer

Style.

Capable in law of purchasing, leasing, suing, etc.

and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporations it shall lawfully appertain to do and perform.

Capital stock. SEC. 2. The capital stock of said company shall not exceed two millions of dollars, and shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper, printed in either of the counties through or into which said road may pass, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing.

Cause books to be opened to receive subscriptions to capital stock.

First directors SEC. 3. The said individuals named in section one of this bill shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice in a newspaper aforesaid, of an election of eleven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Closing of subscript'n books.

Management. SEC. 4. All of the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the power of the corporation. They shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall, from time to time, prescribe; and the same notice of every such

election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person, or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If, for any cause, an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid; and until such election be had, the directors of the preceding year shall continue to act; and the corporation hereby created shall not forfeit or loose any of its privileges, franchises or immunities, by reason of irregularity or want of any such election.

Election of directors.

Elections.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders; and in case of his absence, the directors present may appoint a president *pro tem.* The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of

Quorum and meetings.

President and pro tem.

Other officers

May re-open books

any person failing to pay any installments, as also all previous payments thereon; and also, in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder the amount paid by him, or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, copartnership or corporation whatever, as the execution and management of the works, and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad, constructed or to be constructed, by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, and the franchises and privileges of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution or laws of this State, as they shall think proper, for the well ordering of the affairs of the said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

To cancel stock

To regulate tolls & charges of transportation.

May lease road

By-Laws, etc.

Stock deemed personal property.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by an order of the board of directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Locating road.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point in town one north, range two west, in Grant county, to such eligible point in the town or village of Prairie du Chien, as shall be determined by the board of directors; said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and con-

Powers of corporation.

struct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station-houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other road in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

May borrow money, etc.

SEC. 9. The said company are hereby authorized and fully empowered, in its corporeate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that may incur in the construction, repair, equipment or running of said road, and to make, execute, sell and deliver, at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporation(s) for the purpose aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

May contract

SEC. 10. The said company shall have the right and

road over any highway, etc.

authority to construct their said railroad upon and along, across, under or over any public highway, road, street, plankroad or railroad, if the same be necessary; but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abutments, piers, or other foundations.

Erect bridges over streams.

Can enter upon any lands for the purpose of locating route, and may use the same.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of and use any such land, not exceeding one hundred feet in width, along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him, and recorded in the office of the register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same, for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay

Company to compensate for land taken.

therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

When company cannot agree with owners of land as to compensat'n commissioners to be appointed to det'rmine the same.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if such owner, or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian, of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any, in such county, such sum as the company deems reasonable; and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the fifth or sixth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which

Mode of appointing commissioners and their duty.

said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian or husband, if resident of the county in which such lands shall lie; and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company and another copy to such owner, guardian or husband, if resident of the county in which such lands shall lie, and if not, shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may, within thirty days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained

Award.

Appeal.

Judgment by court.

according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such preceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity; and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Pending suit, etc., company may hold land

SEC. 13. No person shall be incompetent to be a witness, or give testimony in any suit or proceeding at law or in equity, in which the railroad company shall be a party; nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror in any such suit or proceeding, for the reason that such person is a stockholder in said company.

No person an incompent witness.

SEC. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

When company can demand money for transportation.

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them, for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of

Injury to road —punishment

debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

To erect fences thro' enclosed grounds.

SEC. 16. Said company before opening the road through enclosed ground, shall erect such fences as shall preserve such enclosure entire; and shall before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed ground, and shall maintain the same.

First meeting of directors, etc

SEC. 17. The first meeting of the directors, and of the stockholders of the said company, shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish, any one regulation or by-law, of said company.

When privileges cease.

SEC. 18. All rights, privileges and immunities herein granted to said company, shall cease and terminate at the expiration of five years from the passage of this act, unless said company shall have ten miles of said railroad in actual and active operation by that time.

Public act.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved February 28, 1857.

Chapter 121.

An Act to incorporate the Neenah, Wolf River and Wausau Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

Style.

Powers.

SECTION 1. A. H. Cronkhite, W. McIndoe, Edward Smith, Charles A. Singles, John Annunson, H. O. Crane, and R. Smith, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the Neenah, Wolf River and Wausau Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have, and use a common seal, and alter, break, and renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Capital stock and opening of books.

SEC. 2. The capital stock of said company shall be divided into such number of shares, of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper printed in either of the counties through which said road may pass, and shall require three dollars on each share of stock subscribed, to be paid at the time of subscribing.

First directors and their powers.

SEC. 3. The said individuals named in section one of this bill shall be the first directors of said company, and

shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders, as hereinafter provided; and as soon as one hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice, in a newspaper aforesaid, of an election of seven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors and until others are elected.

Management by directors.

SEC. 4. All of the affairs of said corporation shall be managed by a board of seven directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation. They shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe; and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections of directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If, for any cause, an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid; and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises, or immunities by reason of irregularity or want of any such election.

Elections.

Quorum, etc.

SEC. 5. A majority of the board of directors shall

constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall appoint one of their number to be president, who shall serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and in case of his absence the directors present may appoint a president *pro tem.* The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any person failing to pay any installments, as also all previous payments thereon, and also, in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder the amount paid by him or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements with any person or persons, copartnership or corporation whatever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad constructed, or to be constructed, by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations, and orders, not inconsistent with the constitution or laws of this State, as they shall think proper, for the well ordering of the affairs of the said company, and the same from time to time alter, amend or repeal, and in general to superintend and direct all the operations, re-

President and other officers.

Directors may re-open books, etc.

Regulate tolls and make contracts, etc.

ceipts, disbursements, and all other affairs of said company.

Stock deemed personal property.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form, at such place, and under such regulations as shall be prescribed by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by an order of the board of directors, or by stockholders owning one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Location of route; manufacture engines and erect depot houses, etc.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from the village of Neenah, in the county of Winnebago, to Wausau, in the county of Marathon; said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company and its road, and those using it; to manufacture or purchase and own all necessary engines, tenders, cars, and other conveniences for running said railroad; and they shall have power to connect the said road with any other road in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies.

May connect with any other route.

May borrow money and deliver bonds, etc

SEC. 9. The said company are hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding, and to make, execute, and deliver, in or out of the State, all

necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that may incur in the construction, repair, equipment or running of said road, and to make, execute, sell and deliver, at public or private sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures, and appurtenances; and the powers of the said corporations for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

May erect road over any highway.

SEC. 10. The said company shall have the right and authority to construct their railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same be necessary; but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abutments, piers, or other foundations.

Erect bridges.

May enter on any land for cert'n purposes and take possession of the same.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width, along the line of said route, and also such lands adjacent to the line of said road,

beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him, and recorded in the office of the register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same, for the operation and business of said road, and for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same, or any part thereof, in fee simple.

Comp'ny must compensate owner for land taken.

When company and owner cannot agree as to compensation commissioners to be appointed to award damages.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if such owner, or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such

minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay such owner, guardian, or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any, in such county, such sum as the company deems reasonable; and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows: The said company may apply to the judge of the circuit court for the sixth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, if resident of the county in which such lands shall lie, and if not, shall deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay the costs; and either party may, within ten days after such award shall be delivered or filed as aforesad, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to

Manner of appointing commissioners—their duty.

Award.

Costs.

Appeal.

some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation, so to be ascertained according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or encumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such preceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity; and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Judgment by court.

Pending proceedings company may hold land.

No person an incompetent witness.

SEC. 13. No person shall be incompetent to be a witness, or give testimony in any suit or proceeding at

law or in equity, in which the said railroad company shall be a party; nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror, in any such suit or proceeding, for the reason that such person is a stockholder in said company.

Transp'rtation

SEC. 14. On the completion of said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

Injury to road —penalty.

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them, for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Shall erect fences through enclosures.

SEC. 16. Said company before opening the road through enclosed ground, shall erect such fences as shall preserve such enclosure entire; and shall before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed ground, and shall maintain the same.

First meeting of directors.

SEC. 17. The first meeting of the directors and of the stockholders of the said company shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish, any one regulation or by-law of said company.

When rights, etc., cease.

SEC. 18. All rights, privileges and immunities herein granted to said company, shall cease, and terminate at

the expiration of five years from the passage of this act, unless said company shall have ten miles of said railroad in actual and active operation by that time.

Public act. SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved February 28, 1857.

Chapter 122.

An Act to incorporate the Prairie du Chien Hotel Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. Samuel A. Clark, Bernard W. Brisbois, William E. Parish, Anson Eldred, Eliphalet Cramer, Edward D. Holton, Alfred Brunson, Hans Crocker, Edwin A. Saxe, Erastus B. Wolcott, Marsena W. Clarke, Moses S. Scott, Josephus S. Howell, and such persons as are or shall hereafter become associated with them by subscriptions to the capital stock of said company, their successors and assigns, are hereby created a body politic and corporate, with perpetual succession, by the

Style. name and style of the "Prairie du Chien Hotel Company," and by that name they and their successors shall be capable in law of contracting and being

Capable of contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatever, with full power to acquire, hold, sell, lease and convey real estate, as far as may be necessary and proper, for the construction, management and usefulness of a hotel at Prairie du Chien; and the may have a common seal, which may be altered or renewed at pleasure.

Capital stock. SEC. 2. The capital stock of said company shall not exceed fifty thousand dollars, and shall be divided in

shares of fifty dollars each, to be subscribed and paid for in such proportions, and at such times as shall be prescribed by the by-laws and rules regulating the affairs of said company.

Management. SEC. 3. The property and concerns of said company shall be managed and conducted by a board of not less than five nor more than nine directors, who shall be stockholders in said company. Anson Eldred, Edward D. Holton, Samuel A. Clark, Eliphalet Cramer, and Josephus S. Howell, shall be the first directors of said corporation, and shall continue in office until their successors are chosen. The first election of directors shall be held at Prairie du Chien, on the second Wednesday of January, A. D., 1858, at two o'clock, P. M., of that day, and annually thereafter. At all elections of directors each share of stock shall be entitled to one vote. If it shall at any time happen that an election of directors shall not be made, on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such manner as shall be provided in the by-laws of said corporation; and in case of vacancy from the death or resignation of any director, his place may be filled by the board of directors.

First directors

First election of directors, etc

Quorum, by-laws and contracts. SEC. 4. A majority of said directors shall constitute a quorum for the transaction of business; they shall have power to make and establish such by-laws, rules, orders, and regulations as may be necessary for the management of the affairs of said company, and to make such covenants, contracts and agreements with any person or persons, copartnership or body politic whatever, as they may deem expedient and for the interest of said company.

May borrow money. SEC. 5. The said company are hereby authorized in their corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name, all necessary writings, notes, bonds, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed exepedient by said corporation, for all purposes necessary in carrying out the objects of said company; and the official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 28, 1857.

Chapter 123.

An Act to amend an act to incorporate the Milwaukee Hydraulic Company, approved April 1, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendm'nt—capital stock.

SECTION 1. The act of which this is amendatory, is hereby amended so as to provide that the capital stock of said company shall not exceed the sum of five hundred thousand dollars, to be divided into shares as provided in section two of said act.

Amendm'nt—directors.

SEC. 2. Sections one and three of said act are hereby amended by striking out the names of Joseph W. Haskins, D. C. Reed, and J. H. Rogers, as the first corporators and directors of said company, and inserting the names of James B. Cross, John M. Vandike, Ferdinand Kuehn, John Lockwood, A. Greulich, John Furlong, Edward O'Neil, Jasper Humphrey and Jonathan Taylor.

Amendment.

SEC. 3. Section five of said act is hereby amended so as to provide that thirteen instead of five directors shall be chosen annually by the stockholders.

Approved February 28, 1857.

Chapter 124.

An Act to amend an act entitled "An Act to incorporate the Milwaukee and Horicon Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to entering on and taking land for use of company.

SECTION 1. It shall be lawful for the Milwaukee and Horicon Railroad Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, locating or determining the route of their railroad, and when the route of said railroad shall be determined by said company by resolution, adopted by the board of directors, it shall be lawful for them, their agents, officers, engineers, contractors, employees, and servants, at any time to enter upon, take, possess, occupy, and use any land along and including the line of said route, not exceeding one hundred feet in width, and it shall also be lawful for said company at any time to enter upon, take, possess, occupy and use any other lands beyond the limits of one hundred feet which the chief engineer of said company shall, in writing to be signed by him, and recorded in the office of the register of deeds of the county in which such lands are located, certify and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, freight houses, ware houses, engine houses, machine shops, or for buildings or fixtures of any kind, or ground about the same, for the convenient operation of the business of the road or for making drains or giving a proper direction to water courses, or of directing or changing the channel of water courses, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, stone or other materials for embankments, structures or superstructures necessary to or for the construction, repairs or renewal of said road. The said company shall, however, at such times and in such manner as is provided in this act, be liable to pay the full value of all lands so taken, possessed, occupied and

used, and all damages, which value shall be ascertained in the manner hereinafter provided; and whenever the same shall have been paid, tendered or deposited, as provided in this act the title in any and all such lands, shall become vested in said company for the purposes of said railroad, and whenever the company shall deem that the same or any part thereof shall no longer be necessary for the purpose for which the same were taken, the said company is hereby authorized and empowered to lease or sell the same or any part thereof.

Further power

Company to settle with the owners of land

SEC. 2. The said company may, after the route of the said railroad shall be located and determined, offer, by its agents, to pay to the owner or owners of any such lands, which by the provisions of this act the said company are authorized to enter upon, take, possess, occupy or use, or to any person claiming any interest in such land; and if any such owner or person claiming interest in such lands, shall be a minor, *non compos mentis*, or insane, or married woman, or under any legal disability, then to the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman, such sums, for said land, as the company or its agents shall consider to be the full value of the same; and if such owner or claimant, guardian or husband, shall not accept of said offer, or if for any reason the said company shall fail to agree with the owner or person claiming any interest in such lands, then, and in all such cases in which said company shall enter upon, possess, occupy or use any lands as aforesaid, for any of the purposes aforesaid, the value of said lands shall be ascertained and determined, as follows, to wit: The said company may apply to the supreme court of the State, in term time, or to any judge thereof in vacation, for the appointment of three commissioners to make an appraisal, and award of the value of all of the several pieces or parcels of land so entered upon or taken as aforesaid, for any of the purposes aforesaid, without specifying the particular tracts, in reference to the value of which the said company shall have failed to agree with the owner or person claiming any interest in the same, as aforesaid; the said company shall give notice of their application for the appointment of such commissioners, by publishing the same at least ten days before the time for hearing such application, in a newspaper published in the city of Milwaukee and

In case owner etc., does not accept, how value of land is determined.

Company may apply for appointment of commissioners

Shall give notice of application.

Madison, and upon proof of the publication of the same, the court or judge to whom the application shall be made, shall appoint three commissioners, who shall, on the application of the company, or of any person having or claiming to have, any interest in the lands, proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian or husband, and at least five days personal notice to such owner, if resident in the county; and whenever it shall appear to said company or its officers, that the title to any such land, is in dispute, or that several parties claim interest therein, by tax sales, tax titles, encumbrances, liens or equitable claims, the said commissioners shall, upon request of said company or its officers, give such notice to all persons claiming any interest in such lands, whether as owners, encumbrancers or otherwise, (and when the person to be notified has no known residence in the State, the notice may be by publication in a newspaper for such length of time as the commissioners may deem reasonable), and after making such examination, the said commissioners or a majority of them, shall make an appraisement and award of the value of the land so entered upon, taken, possessed, occupied or used by said company, for any of the purposes aforesaid, at the time when the same was so entered upon and taken, whether such time was subsequent to the passage of this act, and shall deliver one copy of their award, in each case, to the said company, and shall file another in the office of the clerk of the circuit court of the county in which such lands shall lie, within thirty days after making their award, with the costs of the award, taxed upon each of said copies; and if neither party shall appeal from said award, in the manner hereinafter provided, the said circuit court, on motion of the party in favor of whom any award shall be made, for such value as aforesaid, unless such award shall have been previously paid, shall enter up judgment in conformity with such award; and in case either of the commissioners shall die, resign or decline to act, the said supreme court, or judge, shall appoint another commissioner in his stead; and the said company, or any party so receiving notice from said commissioners, as aforesaid, may, within thirty days after such award shall have been filed with the clerk as aforesaid, appeal

When title is in dispute—duty of commissioners.

Award.

Appeal.

from the same to the circuit court for the county in which such lands shall lie, by filing with the clerk of said court, a written notice of such appeal, and upon receiving such notice, the said clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners, and person or persons, claiming any interest in said land, embracing all persons so having received such notice from the said commissioners, as plaintiffs, and the said company as defendants; and the said court shall proceed to hear and determine such case, in the same manner that other cases shall be determined in said court, and all issues of fact arising therein, shall be tried by a jury, unless a jury be expressly waived by both parties, but the appellant shall not be entitled to have the case tried at any term of said court, unless he shall have given notice to the appellee, or his attorney, at least ten days before the first day of the term, that he will demand a trial at such term; but in case the appellee has no known residence in this State, or attorney of record residing in the State, no such notice need be given, but in all cases the appellee may waive such notice, in which case the same rule for trial shall be applicable to it as to other cases in said court; after the hearing of said case, the jury, or if a jury be waived, the court shall assess the value of the land so entered upon, taken, possessed, occupied and used by said company, at the time when the same was so entered upon and taken, whether such time was before or after the passage of this act, and after such assessment, the court shall proceed to render judgment against said company, for the amount of such assessment, in favor of the plaintiff, or plaintiffs, in such case, and if the amount so assessed, in favor of said plaintiff, or plaintiffs, shall exceed the amount awarded by said commissioners, (with interest, at the rate of twelve per cent. per annum, from the time of such award to the time of such assessment, by the jury in court), then judgment shall be rendered against said company, for costs; and when the appeal shall be taken by the claimant, if it shall not exceed said amount, (and interest as aforesaid), then judgment shall be rendered in favor of said company, for costs, and against the said plaintiff, or plaintiffs, and execution may issue accordingly; either party shall be

Court to hear and determine case.

In case appellee is a non-resident.

Judgment.

entitled to a change of venue, for the trial of the said cause on an affidavit filed, stating the belief of the affiant, that a fair trial cannot otherwise be had; the change of venue shall be to the nearest county, where a fair trial can be had; the judgment of the circuit court in any such case, may be reviewed on writ of error, as other cases at law; whenever the commissioners shall make an award, as aforesaid, and no appeal shall be taken from the same, and whenever, in case of appeal, a final judgment shall be rendered, it shall be the duty of the company, and not before, to pay to the party entitled to the same, the amount of such award or judgment; and in any case in which there shall be any lien, incumbrance, tax sale, tax title, or equitable claim, to or upon the land, or any part thereof, which is the subject matter of such award, or judgment, or when more than one person shall be entitled to, or shall set up any claim to the amount of such award, or judgment, or any part of it, or when the person entitled to receive the same, shall not have any known residence within the State, the said company may deposit the amount of such award, when there is no appeal with the clerk of the circuit court, with whom the award in the case shall have been filed, and in case of appeal and judgment thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered, and the money so deposited, in either case, shall be paid over by order of the court, to the person or persons who shall be adjudged, by said court, to be entitled to receive the same; and whenever the amount of such award, or judgment, shall have been paid or tendered, or deposited, as aforesaid, an absolute estate in fee simple, in such lands, shall be and become vested in said company, as against all persons so receiving notice from the said commissioners, as aforesaid, and all such persons receiving such notice, shall be forever concluded, from questioning such title so acquired by the company; and the said company shall have full power and authority, after entering upon and taking every such lands to them, hold, possess, occupy, use and enjoy the same, for any of the lawful purposes of the said company, from the time of such entry and taking, until the proceedings contemplated by this act, shall have [been] fully deter-

Entitled to a change of venue.

Final judgm't.

In case of lien, incumbrance etc., company to deposit award.

Ween award has been tendered or paid—title to vest in company.

Pending proceedings, company to occupy land.

mined, and until said company shall have refused, after demand made to pay the value of said land, so to be ascertained, as aforesaid, and they shall not, during such time, nor until such refusal, be disturbed in such possession, or occupancy, use, or enjoyment, by any proceeding in law or equity.

In case company locate on State land.

SEC. 3. In case the said company shall locate the line of their railroad on any lands belonging to the State, said lands to the extent of one hundred feet in width, along the line of said road, are hereby granted to said company, in fee simple, together with such other lands adjacent to said railroad, beyond the limits of said one hundred feet, as shall be necessary for the purpose of erecting depot houses, buildings, station houses and necessary fixtures, or of obtaining earth or gravel or other materials, necessary to the construction or repairs of said road; and the State hereby assents to the said company's receiving any donation of land from the government of the United States, should any donation or grant of land be made to said company, to aid in the construction of their road.

Election of directors.

SEC. 4. The annual meeting of the stockholders of said company, for the election of directors, shall be held at such time as the directors shall prescribe on notice of such meeting for the election of directors, as prescribed by the act to which this is amendatory.

Company may take notes and bonds in payment for stock

SEC. 5. The said company may take and hold, in payment for the stock of said company, notes or bonds of individuals, payable at such time as may be agreed upon, secured by mortgages upon real estate, and may sell, assign, transfer and convey said notes and mortgages to others, or foreclose the same, in case of nonpayment, and all notes, bonds and mortgages, already taken by said company, shall have the same binding force, effect and validity, as if executed subsequent to the passage of this act.

Repealed.

SEC. 6. Section ten (10) of the act to which this act is amendatory, is hereby repealed, and Iron Ridge, in the ninth section of said act, is hereby stricken out as a point in said road.

Power to transport in boats, vessels, etc.

SEC. 7. The Milwaukee and Horicon railroad company, shall have full power and authority to transport persons or property in boats, vessels, barges or other water craft, on any navigable water which any portion of their railroad may run to or connect with, and to

receive and collect reasonable compensation for the same, and for that purpose may purchase or build and own such vessels, boats, barges, or other water craft as it may require.

SEC. 8. This act shall take effect, and be in force, from and after its passage.

Approved February 28, 1857.

Chapter 125.

An Act to amend an act, entitled "An Act to authorize the Chicago, St. Paul and Fond du Lac, and Wisconsin and Superior Railroad Companies to consolidate," approved February 12th, 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of an act entitled "An Act, to authorize the Chicago, St. Paul and Fond du Lac, and the Wisconsin and Superior railroad companies to consolidate," approved February 12th, 1857, shall be so amended as to read as follows: Any railroad company in this State, whose route shall cross, intersect, come up to, or in contact with, the route of the said consolidated railroad company, at any point, at or north of the city of Fond du Lac, shall have a right to have running connections with the said consolidated company, upon fair and just principles, to be adjusted by the superintendents of said companies, and if the superintendents of said consolidated railroad company, and such connecting railroad, shall be unable or fail to agree upon the terms of such running connections, they shall each select a railroad superintendent, and the two thus selected, if they can, shall choose a third person, and if they cannot agree, then such third person shall be selected or appointed by the Governor, all of whom shall be in no way interested in either company, and they, or a majority of them, shall adjust the terms of such running connections, and provide for suitable penalties and forfeitures, such determination shall be reduced to writing, and signed by said arbitrators, and

Amendment.

May form running connections with consolidated company.

one copy delivered to each of said companies, and the same shall be final and conclusive upon both parties.

SEC. 2. This act shall take effect and be in force, from and after its passage.

Approved February 28, 1857.

Chapter 126.

An Act to incorporate the Milwaukee Building Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Charles Quintin, Jacob Mahler, Augustus Greulich, Herman Schwarting, H. Grassler, Charles Kueper, and Herman Haertel, and their successors and associates, are hereby made, constitued and declared a body corporate and politic, by the name and

Style.

style of the Milwaukee Building Association, and by that name shall have perpetual succession, and shall

Privileges.

have and enjoy all the priviliges, franchises and immunities incident to a corporation, and shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold such estate by gift, grant, purchase, devise or

Seal and power.

lease. They may make, have and use a common seal, and break, alter and renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things, which to any corporation it lawfully appertains to do and perform.

Capital stock.

SEC. 2. The capital stock of the said corporation shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and the directors shall cause books to be opened at such times and places as they or a majority of them may designate, to receive subscriptions to the capital stock of the said corporation under the direction of some one or more of them, or

under the direction of such person or persons as they may designate, giving at least one week's notice of such time and places, by advertising in a newspaper published in the city of Milwaukee, and shall require such sum, not less than five dollars on each share of stock subscribed, to be actually paid in at the time of subscribing.

First directors.

SEC. 3. The said Charles Quintin, Jacob Mahler, Herman Schwarting, H. Grassler, Augustus Grulich, Charles Kueper, and Herman Haertel, shall be the first directors of the said corporation, and shall hold their office until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders, as hereinafter provided; and as soon as twenty-five thousand dollars of the capital stock of the said corporation shall be subscribed, and five dollars on each share thereof actually paid in, the said directors may close the books of subscription, and receive no more subscription, until after the election of directors by the stockholders, and they shall immediately give not less than one week's notice in a newspaper aforesaid, of an election of five directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

When to close books.

Management.

SEC. 4. The affairs of the said corporation shall be managed by a board of five directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the said corporation. The directors shall be elected annually by ballot, at the annual meeting of the stockholders, to be holden at such times and place as may be prescribed in the by-laws of the said corporation, and the same notice of every such election shall be given as is herein prescribed for the first election of directors. The directors shall be elected by the stockholders, each share of stock being entitled to one vote, to be delivered by the holder of such stock, or by proxy duly authorized; and at all elections of directors the five stockholders receiving the highest number of votes shall be deemed and declared elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the corporation. If for any cause an election of directors shall not be

Election of directors.

In case no elec-

tion, corporation not dissolved.

held at the time prescribed in this act for that purpose, the said corporation shall not for that reason be dissolved but such election may he held at such time thereafter as the directors may appoint, on one week's notice being given as aforesaid.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transation of any business, and the directors may meet at such times and places as they shall determine; they shall appoint one of their number president, and may appoint such other officers, agents and servants as may be deemed necessary to transact the business of said corporation, fix their compensation and duties, and demand adequate security for the performance of their respective duties, and may fill any vacancy which may occur in their own board.

President and other officers.

Power to re-open books.

The directors shall have power to re-open the books of subscription to the capital stock of the company, or open new books, under their own direction or the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time on such subscription, and to forfeit to the use of the company the share or shares of any person failing to pay any installment, as also all previous payments thereon, or to enforce by law the payment of any installment or installments after due.

Stock deemed personal property.

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said corporation.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

May acquire all necessarry grounds, etc.

SEC. 8. The said corporation is authorized and empowered to acquire, by purchase, gift, devise or otherwise, and hold and enjoy suitable grounds in the city of Milwaukee for that purpose, and thereon to erect such a building as the said directors shall determine, for a concert hall and other purposes, and the same to use, occupy and lease from time to time, and in such manner and at such rents as the directors of said corporation may from time to time determine; and the said directors shall have full power and authority to make all

needful and proper contracts for the purpose of carrying out the objects of this act.

May borrow money

SEC. 9. The said corporation is hereby authorized and fully empowered, in its corporate capacity, to borrow money, in any sum or sums, from any person or persons, corporation or body politic of any kind, and for any rate of interest that may be agreed upon by and between the said corporation and any party of whom such money may be obtained, and to make, execute and deliver all necessary writings, bonds, notes, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by the said corporation in consideration of such loan or loans, or in discharge of any liabilities that it may incur in the purchase of such grounds or the erection of such building and the purchase of materials therefor, to sell or dispose of such bonds, mortgages or other securities for such sums and at such rates of discount as to the board of directors shall deem expedient.

Stock—musical, literary & dramatic associations may subscribe

SEC. 10. Any association organized for musical, dramatic, or library purposes, shall have power to subscribe to the capital stock of the association hereby incorporated, and shall have all the privileges and advantages and be subject to all the duties and liabilities of stockholders under this act.

First meeting of directors & stockholders.

SEC. 11. The first meeting of the directors and of the stockholders of the said corporation, shall be called by at least a majority of the directors named in this act; and this act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Public act.

Approved February 28, 1857.

Chapter 127.

An Act to amend an act entitled "An Act to incorporate the Wisconsin Central Railroad Company," approved March 4, A. D. 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment —power to extend railroad.

SECTION 1. The act entitled "An act to incorporate the Wisconsin Central Railroad Company," approved March 4, A. D. 1853, is hereby so amended as to authorize and empower the said company, and the said company is hereby authorized and empowered to extend the line of their said railroad and to construct the same from the town of Columbus, in the county of Columbia, or from Portage City, in the same county, on the most convenient and practicable route, to Lake Superior, at a point on said lake near the mouth of Montreal river.

shall acquire right of way.

SEC. 2. For the construction, operation, continuance and maintenance of the said line of railroad, hereby intended to be constructed and operated, it shall and may be lawful for the said company to acquire the right of way, and they shall have all the franchises, privileges and immunities, facilities and incidents secured to them in their original charter, so far as the same are applicable.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 128.

An Act authorizing the construction of a Bridge from Arena to Cedar Island.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Build a bridge

SECTION 1. William Henry Brisbane is hereby authorized to construct and maintain a bridge across the

south channel of the Wisconsin river, from a point on the south bank thereof, in the town of Arena, on the line between section eight and section nine of town eight, north of range five east, to Cedar Island; *Provided*, The said bridge shall have a draw for the passage of steamboats, and the said bridge shall be subject to the same regulations and privileges now granted to the said William Henry Brisbane by law, for a ferry at the said place. Proviso.

SEC. 2. This act shall take effect and be in force, from and after the nineteenth day of March, 1857.

Approved March 2, 1857.

Chapter 129.

An Act to incorporate the Mutual Life Insurance Company of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas Lappin, M. C. Smith, W. W. Holden, David Noggle, Edward Mc Key, Solomon Hutson, James H. Knowlton, John P. Dickson, Joseph A. Sleeper, Edward L. Dimock, B. F. Pixley, John Hackett, John M. Keep, Mat. H. Carpenter, Charles Kuehn, Simeon Mills, James Neil, J. F. Willard, John Mitchel, James R. Doolittle, George C. Northrop, H. J. Ullman, Anson Eldred, H. H. Camp, J. B. Martin, Luke Stoughton, L. J. Farewell, H. L. Dousman, J. Allen Barber, John H. Rountree, George W. Lee, James H. Earnest, A. Ludlow, James Bintliff, Peter Myers, and Lucius S. Fisher, and all other persons who may hereafter associate with them, in the manner hereinafter prescribed, shall be, and are hereby declared a body politic and corporate, by the name of "The Mutual Life Insurance Company of the State of Wisconsin," and by that name may contract and be contracted with, sue and be sued, defend and be defended against, in any and all courts. Corporators. Style. Power.

Limitation. SEC. 2. This corporation shall have no powers or privileges, except such as are expressly granted by this charter.

Power to insure lives, etc. SEC. 3. The corporation hereby created, shall have the power to insure the lives of its respective members, and to make all and every insurance appertaining to, or connected with life risks, and to grant and purchase annuities. The real estate which it shall be lawful for this corporation to purchase, hold, possess and convey, shall be

May hold real estate, to wit:

Such as is requisite, etc. 1st. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business;

Such as has been m'rtgag'd 2d. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for money due;

Such as has been conveyed 3d. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings;

Such as has been purchas'd 4th. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained, or made for such debts.

Cannot hold any other real estate, etc. The said corporation shall not purchase, hold, or convey real estate in any other case, or for any other purpose; and all such real estate as shall not be necessary for the accommodation of said company in the convenient transaction of its business, shall be sold and disposed of within six years after the said company shall have acquired title to the same.

Persons insuring to become members. SEC. 4. Persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by such corporation, and no longer.

Board of trustees—powers. SEC. 5. All the corporate powers of the said board of trustees, and such officers and agents as they may appoint. The board of trustees shall consist of thirty-six persons, all of whom must be citizens of this State. They shall elect a president annually, who shall be a member of the corporation; and they shall have power to declare by by-law what number of trustees less than a majority of the whole, but not less than nine, shall be a quorum for the transaction of business; and nine shall be such quorum until otherwise provi-

ded by by-laws. The trustees shall also have power to make all such by-laws as shall be needful or proper to the due exercise of the powers hereby granted.

First directors —division into classes.

SEC. 6. The persons named in this act shall constitute the first board of trustees, and they shall at their first meeting, divide themselves by lot, into four classes of nine each. The term of the first class shall expire at the end of one year; the term of the second class [shall] expire at the end of two years; the term of the third class shall expire at the end of three years; the term of the fourth class shall expire at the end of the fourth year, and so on successively each and every year. The seats of these classes shall be supplied by the members of this corporation, a plurality of the votes cast constituting a choice, but an insurance of at least one thousand dollars in amount, shall be necessary to entitle any member to a vote. This section shall not be construed to prevent a trustee going out, from being eligible to a re-election. The board of trustees may fill any vacancies in their number occasioned by death, resignation, or by removal from the State. The election of trustees shall be held on the first Monday of June in each and every year, at such place in the city of Janesville, as the board of trustees shall designate, of which they shall give at least four weeks previous notice in two of the public newspapers printed in Milwaukee, Madison and Janesville, and the board of trustees, at the same time shall also appoint three of the members of the said corporation, inspectors, to preside at such election; and if any of said inspectors decline, or fail to attend, the trustees shall appoint others to fill such vacancies.

Term of first class.

Term of second

Term of third

Term of fourth

How not to be construed.

Vacancies.

Election of trustees.

Persons becoming members.

SEC. 7. Every person who shall become a member of this corporation by effecting insurance therein, shall, the first time he effects insurance and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees; and no premium so paid, shall ever be withdrawn from said company except as hereinafter provided, but shall be liable to all the losses and expense incurred by this company during the continuance of its charter.

Insurance.

SEC. 8. The trustees shall determine the rates of insurance and the sums to be insured.

Further powers.

SEC. 9. It shall be lawful for said corporation to invest the said premiums in the securities designated in the

two following sections, and to sell, transfer and change the same, and re-invest the funds of said corporation when the trustees shall deem expedient.

Premiums—how invested.

SEC. 10. The whole of the premiums received for insurance by said corporation, except as provided for in the following section, shall be invested in bonds secured by mortgages or unincumbered real estate within this State. The real estate or property to secure such investment of capital shall in every case be worth twice the amount loaned thereon.

Same.

SEC. 11. The trustees shall have power to invest a certain portion of the premiums received, not to exceed one half thereof, in public stocks of the United States, or of this State, or of any incorporated city of this State.

Suits may be maintained against any of its members—and by any of its members against corporation.

SEC. 12. Suits at law may be maintained by said corporation against any of its members for any cause relating to the business of said corporation. Suits at law may also be prosecuted and maintained by any member against said corporation for loss by death, if payment is withheld more than three months after the company is duly notified of such losses; and no member of the corporation shall be debarred his testimony as a witness in any such cause on account of interest in such suit, or of his being a member of said company, and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such suit, on account of his being a member of said company.

When balance sheet is to be struck.

SEC. 13. The officers of said company, at the expiration of five years from the time that the first policy shall have been issued and bear date, and within sixty days thereafter, and during the first sixty days of every subsequent period of five years shall cause a balance to be struck of the affairs of the company, and shall credit each member with an equitable share of the profits of said company; and in case of the death of the party whose life is insured, the amount standing to his credit at the last preceeding striking of balance as aforesaid, shall be paid over to the person entitled to receive the same; any member who would be entitled to share in the profits who shall have omitted to pay any premium or any periodical payment due from him to the company may be prohibited by the trustees from sharing in the profits of the company. No member,

except officers of the company and agents thereof, shall be personally liable for the losses of the company; and such officers and agents severally shall be liable, but only for the losses arising by reason of their own respective neglect or misconduct. Who liable.

SEC. 14. On some day in the first thirty days after the expiration of the first five years from the time when the said company shall issue its first policy, and within the first thirty days of every subsequent five years the officers of said company shall cause to be made a general balance statement of the affairs of said company which shall be entered in a book prepared for that purpose, which shall be subject to the examination of every member of the company during the usual hours of business, for the term of thirty days thereafter. Such statement shall contain: A general balance sheet— What to contain.

1st. The amount of premiums received during said period;

2d. The amount of expenses of said company during the same period;

3d. The amount of losses incurred during said period;

4th. The balance remaining with the said company;

5th. The nature of the security on which the same is invested or loaned, and the amount of cash on hand.

The said company shall also make and transmit to the secretary of state, on the first Monday of January in each year, a full statement of its affairs, in the same or like manner as moneyed corporations are required to do. Repors to secretary of state.

SEC. 15. The operations and business of this corporation shall be carried on in the city of Janesville, at such place as the trustees shall direct, so far as the same can be done at a principal office. Place of business.

SEC. 16. No policy shall be issued by said company until application shall be made for insurance in the aggregate for two hundred thousand dollars at least. The trustees shall have the right to purchase, for the benefit of the company, all policies of insurance, or other obligations issued by the said company. When policies may be issued

SEC. 17. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured, for her sole use, the life of her husband, for any definite period or for the term of his natural life; and in case of her surviving her husband, the sum or nett amount of the insurance becoming due and payable by Married woman may have the life of her husband insured, etc.

the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or of any of his creditors; but such exemption shall not apply where the amount of premium annually paid shall exceed three hundred dollars. In case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her children, for their use, and to their guardian, if under age.

Act perpetual; subject to amendment.

SEC. 18. This act shall be perpetual; but the legislature may at any time alter or amend the same.

Public act, etc

SEC. 19. This act is hereby declared a public act, and shall be printed by the state printer immediately, and when so printed the same shall take effect and be in full force.

Approved March 2, 1857.

Chapter 130.

An Act to authorize the Peshtigo Lumbering and Manufacturing Company, to erect two booms on the Peshtigo River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to keep and maintain two booms

SECTION 1. The Peshtigo Lumbering and Manufacturing Company, are hereby authorized and empowered, to keep and maintain two booms across the Peshtigo river, in the county of Oconto, one to be located at or near the mouth of the Peshtigo river, and the other at or near their saw mills, at Clarksville, in said county;

Proviso.

Provided, That such booms shall be so constructed as not to obstruct the passage of boats, rafts or timber, down or through said river.

Wilfull injury —punishment

SEC. 2. Any person or persons, who shall wilfully break or destroy said booms, or either of them, in whole or in part, or loose it from its moorings, shall be responsible to the proprietors thereof, in an action of trespass, for the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter, 131.

An Act to incorporate the city of Mineral Point.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

City and Ward Boundaries.

City and ward boundaries.

SECTION 1. All that district of country in the county of Iowa, hereinafter described, from and after the first Monday in May next, shall be a city by the name of Mineral Point, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation, by the [name of the] city of Mineral Point, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Name.

SEC. 2. The territory included within the following described limits and boundaries, shall constitute the city of Mineral Point, to-wit: All of section number thirty-one (31), and the west half of section number thirty-two (32), in township number five (5) north and range three (3) east; also, the north half of section number six (6), in township number four (4), north of range number three (3) east; also, the north-east quarter of section number one (1), in township number four (4), north of range two (2) east, and the east half of section number thirty-six (36), in township number five (5), north of range two (2) east of the fourth principal meridian.

City boundaries.

SEC. 3. The said city shall be divided into two wards, as follows: All that part lying on the west side of Chestnut street, extending north in a direct line, and all lying west of the west line of Bracken and Irving's addition, shall constitute the first ward, and all

Ward boundaries.

that part lying on the east side of said street and line, shall constitute the second ward.

City officers. SEC. 4. The corporate authority of said city [shall be vested] in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

Elections.

Elections.

Elective officers. SECTION 1. The elective officers of said city shall be a mayor, a school superintendant, a treasurer, a marshal, a police justice, for the city at large, and three aldermen, one justice of the peace, one assessor, and one constable for each ward; which said officers shall Term of office. hold their respective offices as follows: The mayor, school superintendent, treasurer, assessors, marshal and constables, and one alderman in each ward for one year; one alderman in each ward, police justice and justices of the peace for two years, and one alderman When term commences. in each ward for three years. The term of officers shall commence on the second Monday in May after their election. Each of said officers shall continue in office for his respective term, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

First election. SEC. 2. On the first Monday of May next, the qualified voters of said city shall elect one mayor, one school superintendent, one treasurer, one police justice and one marshal, which said officers shall be qualified voters, resident in said city; and on the same day and at the same places of holding said election, the said qualified electors shall also elect three aldermen, one justice of the peace, one constable, and one assessor for Qualifications. each ward. The aforesaid officers shall be residents of the respective wards for which they are elected.

Inspectors. The present board of trustees of the village of Mineral

Point, shall designate the place of holding the first election in each ward. In the absence from the place appointed for said election at the hour of opening the polls, of one or more of said trustees, the voters present shall have power to proceed by nomination and *viva voce* election of inspectors, sufficient in number with the trustee or trustees present to make three, and two clerks, whose duty shall be (after being sworn by any officer competent to administer an oath by the laws of this State) to see that said election shall be conducted in accordance with existing laws of the State of Wisconsin, and any fraud or violation of said laws at said election, shall be punishable as any violation of the election laws in any part of the State; and at every subsequent first Monday in May, elections shall be held in the several wards for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls, shall elect by *viva voce* a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn in accordance with laws of the State. They shall appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented—shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of the said returns to the clerk of the city council, the other to the clerk of the circuit court of the county of Iowa. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The returns of the first election shall be made to the president and trustees of the village of Mineral Point, and they shall certify to and notify the officers elected. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon.

Subsequent elections.

Appoint two clerks.

Board of canvassers.

Returns—to whom made.

Polls.

Vacancies.

SEC. 3. In the event of a vacancy in the office of

mayor or aldermen, by death, removal or other disability, the common council shall order a new election and shall give five days notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacany, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilitles as the person whose office he may be elected or appointed to fill.

Elections by the people to be by ballot, by the council it may be viva voce.

SEC. 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the common council may be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Qualified electors.

SEC. 5. All persons entitled to vote for State or county officers, and who shall have resided in the city for one year next preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

In case of a challenge, the party challenged to take an oath.

SEC. 6. If either of the inspectors of elections or aldermen, shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen before receiving any such vote shall require the voter offering to take the following oath:

Oath.

"You do solemnly swear, (or affirm, as the case may be), that you are twenty-one years of age; that you are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization; that you have resided in this city one year, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election."

In case of perjury.

And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall

vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Iowa.

Illegal voting —punishment

Duty of Inspectors.

If inspectors knowingly receive an illegal vote, or clerks keep false tallies — punishment.

SEC. 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, or inspectors as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Special elections.

SEC. 8. There shall be elected at the first election under this act, one alderman who shall hold his office for three years, one alderman in each ward who shall hold his office for two years, and one alderman who shall hold his office for one year; and at every annual election thereafter, one alderman who shall hold his office for three years, one alderman in each ward who shall hold his office for two years, and one alderman who shall hold his office for one year; the alderman having the highest number of votes in each ward shall be the alderman for two years.

Aldermen—term for which elected.

SEC. 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the first Monday of June next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties

When an office is deemed vacant, etc.

of such office immediately after receiving notice of such election or appointment.

CHAPTER III.

Officers.

Officers—Their powers and duties.

Subscribe an oath of office.

SECTION 1. Every person elected or appointed to fill any vacancy under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constables, police justice, and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Mineral Point a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Certain officers to give bonds.

Mayor--duties

SEC. 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the State and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint the police force, in such numbers as the common council shall direct; and in case of a riot or disturbance of the peace, shall appoint temporary police. He shall communicate in writing to the common council once a year such information as he may deem necessary, and at all times give such information as the common council may require.

First meeting of council in each year.

SEC. 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and the president shall be absent from any meetings of the common council, they shall proceed to elect a tem-

Presiding officer.

porary presiding officer, who for the time being shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. Style.

SEC. 4. The common council shall elect a city clerk; he shall keep the corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations. City Clerk—duty. Clerk pro tem.

SEC. 5. The city attorney shall perform all professional services incident to the office as prescribed by ordinances, and when required shall furnish written opinions to the common council or its committees. City Attorney—duty.

SEC. 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual reports, and also of the state of the treasury, which statement shall be filed with the clerk. Duty of Treasurer.

SEC. 7. The marshal shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace and the collection of fines and license moneys; he shall possess the powers of constable at common law or by the laws of this State, and receive like fees; but shall not serve civil process in any case unless the city is a party. Duty of Marshal.

The common council may require further duties of any officer.

SEC. 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Salaries.

City printing.

SEC. 9. The common council shall annually provide that all printing authorized and required by them, to be done for their use or for the city, shall be let by contract to the lowest bidder, for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper printed and published in the city of Mineral Point, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers shall fail to bid. All ordinances and other proceedings required by this act or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section; and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavits shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Proof of publication.

Penalty of officers for not delivering to successors the matters of office.

SEC. 10. If any person having been an officer in said city shall not within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers, and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, and effects, in the manner prescribed by the laws of this state.

Peace officers.

SEC. 11. The mayor, sheriff of Iowa county, each and every alderman, justice of the peace, marshal, constable and watchman shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and

for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies. If any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Power of Police Justice.

SEC. 12. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction, to hear all complaints and conduct all examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *Provided*, That nothing therein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to effect in any manner the powers or jurisdiction of the circuit or county courts of Iowa county. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city shall not be liable to said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the city charter or ordinance of the city wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council. In case of absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city, to perform the duties of police [justice,] and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall for the time being, possess all the authority, powers and rights of the police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from the justices of the peace.

Proviso.

Fees.

Make quarterly reports.

SEC. 13. The police justice shall quarterly report to

the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account and pay over to the treasurer, the amount of all penalties and fines collected, which may by law acrue to the city. The city shall not be liable or pay any costs for violations of any law of this State.

City Surveyor —his duties & pay.

SEC. 14. The common council shall elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties, and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or to the common council.

CHAPTER IV.

The Common Council.

The Common Council—its general powers and duties.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Mineral Point, do ordain, &c." The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

Style of ordinances.

Meetings.

Quorum.

Stated & Special meetings.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

The Common Council—government, &c.

Council to have control of finances; make and enforce all

SEC. 3. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact,

ordain, establish, publish, enforce, alter, modify, amend and repeal, all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorrality, for the prevention of crime, and for the benefit of trade, commerce and health as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such ordinances rules and by-laws, are hereby declared to be, and have the force of law; *Provided*, They are not repugnant to the constitution and laws of the United States, or of this State, and for these purposes shall have authority by ordinances, resolution or by-laws:

Ordinances, &c. for the good of city.

Proviso.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables and bowling saloons; and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *Provided*, That the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the State, and that no license shall be granted for a less time than one year; *And provided further*, That no person thus licensed shall sell or give away spirituous, fermented [or vinous] liquors on election days.

License exhibitions, &c.

Nuisances.

Licenses to sell liquors.

Proviso.

Further proviso.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Prevent gaming.

3d. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purposes of gaming.

Prevent riots, &c.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery,

Removing and cleans'g filthy places.

stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and gun powder.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same, where the offal or filth therefrom, shall discharge into streams of water, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

Streets—prevent obstructing.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys, with carriages, sleighs, boxes, lumber, fire wood, or any other materials or substances whatever.

Horse racing and bathing.

7th. To prevent horse racing, immoderate riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Animals—prevent runing at large.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the destraining, impounding and sale of the same.

Dogs—authorize destruction

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large, contrary to the ordinance.

Putrid and unwholesome substances.

10th. To prevent persons from bringing, depositing, or having, within said city, or placing in the waters adjacent to the said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid, or unsound beef, pork, fish, hides, or skins, of any kind, or on default to authorize the removal thereof, by some competent officer at the expense of such person or persons.

Pound, water-works, lamps, etc.

11th. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Board of health hospital, etc.

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mor-

tality, and to exempt burial grounds, set apart for public use, from taxation.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread—establish weight, etc.

14th. To prevent all persons riding or driving any horse or mule, cattle or any other animal, on the sidewalks in said city, or in any way doing any damage to said sidewalks. Sidewalks, riding or driving on, etc.

15th. To prevent shooting off firearms, or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Firearms, &c., regulate.

16th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing, and punishing any person or persons who may be guilty of the same. Drunkards and obscenity in streets.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners.

18th. To make rules and ordinances for the government and regulation of the police of the city. Police.

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets; and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. Markets, make regulations.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Hay, Fuel, &c.

21st. To compel the owners of buildings, or grounds or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant. Cleaning sidewalks and lots of unhealthy matter.

22nd. To regulate, prevent and control the landing Contagious diseases.

of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Public auctions.

23rd. To regulate the time, place and manner of holding public auctions or vendues.

Watchmen.

24th. To appoint watchmen and prescribe their duties.

Provide a standard of weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures.

City attorney

26th. To provide for the appointment of city attorney, and prescribe his duty.

Shade trees.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same.

Ordinances, &c., how passed.

SEC. 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers to be selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Publishing same.

Recording same.

Of common nuisances.

SEC. 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law. Gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

SEC. 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, marshal, and all other officers and agents of the city, at such time as they may deem proper; and also, at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

City accounts.

Exhibit books and vouchers.

CHAPTER V.

Opening of Streets, &c.

Open'g streets, &c.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders, residing in any one ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if a portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to

Laying out public squares, streets, etc., & manner of obtaining land.

Give notice of application.

be taken, to be published in the official paper for four weeks, at least once in each week.

What notice shall contain.

SEC. 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Iowa county, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purpose specified in said petition.

Judge to appoint a jury—duty.

SEC. 3. Upon the presentation of such application, and upon proof of the publication or service [of the notice] hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in the application. The said judge shall thereupon issue his precept directed to said jurors, requesting them within thirty days to view said premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purpose specified in such application.

Vacancies in jury.

SEC. 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed in the precept.

Jury to view premises.

SEC. 5. The said jurors at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested; which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Further duties

SEC. 6. After viewing the premises, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Proceedings of the common

SEC. 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an

order among their proceedings confirming said report, and directing the said jurors within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council.

council on report of jury.

Ascertaining damages.

SEC. 8. If there should be any building standing, whole, or in part, upon the lands to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

In case there are buildings on land—how to proceed.

SEC. 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks; such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day to be therein named or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or their intention to remove said building, at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Notice to be given to owner or his agent of award.

SEC. 10. If the owner refuse to take the building at the value, to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Council to sell building if not removed.

SEC. 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will in their judgment be injured or benefited thereby; after hearing such

Jurors to examine premises.

testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners, the value of the real estate, so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

Assessment.

Estimate of damages.

In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove; in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages—when to strike a balance.

SEC. 12. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected of them or payable to them.

In certain cases jurors to make award.

SEC. 13. If the land or buildings belong to different persons, or if the land be subjected to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person, or interest respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively, from the proposed improvement.

Jury proceed to assess damages.

SEC. 14. Having ascertained the damage and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of the said jurors shall be signed by them and returned together with the testimony taken to the common council, within the time limited in their order of appointment.

Damages to be paid or tendered before land is taken.

SEC. 15. The land required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit; and then and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

When land is under lease—disposition.

SEC. 16. When the whole of any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Same.

SEC. 17. When only part of a lot, or tract of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments, reserved, payable and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

Damages assessed to be paid, etc.

SEC. 18. The damages assessed shall be paid or tendered, or deposited as herein required, within six months from the confirmation of such assessments and reports, and if not so paid, tendered and deposited, all the proceedings, in any such case shall be void. The benefits so assessed from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurors to be benefited by the opening or widening of such street, alley or public ground.

Benefits remain a lien.

When owner is a minor—proceedings.

SEC. 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under any legal disability, the judge of the circuit court of Iowa county, or in his

absence the judge of any court of record in said county, may upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act, shall be served on such guardian.

Council to fill vacancies in jury.

SEC. 20. After the jurors shall have made their reports as to the necessity of taking any lands under this act and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the jurors before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Appeal.

SEC. 21. Any person whose property is taken, or against whom any assessment is made, may within ten days from the return of jurors to the common council appeal from said assessment of damages or benefits to the circuit court of Iowa county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal.

Make survey.

SEC. 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

Improvement of streets.

Improvement of Streets.

Grades.

SECTION 1. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street, in which the grade is proposed to be changed, the common council shall have power to cause a survey to be made, and to alter such grade, or establish a new one, in such street or part of street, set out in such application, as the public good may seem to require.

Can recover damages.

SEC. 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action

against the city for the recovery of the same; *Provided*, That no suit shall be brought against the city for the recovery of such damage until application has been made to the common council, and said council shall have refused, or neglected for three months to settle the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer. Proviso.

Senior alderman to be street commissioner—duty.

SEC. 3. The senior alderman in office of the several wards shall be street commissioner of his respective ward, and as such shall have power to require every resident of his ward, liable to work on the highways by the laws of this State, to perform one day's labor each year in the streets in such ward, and in case any person shall neglect or refuse to perform such labor, at such time and place, as such commissioner shall direct, to assess, sue for and collect of every such person, one dollar in lieu thereof, which shall be expended in improving or repairing the streets of his respective ward, by such commissioner.

Further power and duties.

SEC. 4. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water courses, within their respective wards, are duly observed and kept, and direct and control the persons employed therein. The street commissioners shall have a general supervision over all work let by contract, for the improvement of streets or sidewalks, in their respective wards, unless the common council shall otherwise provide; each street commissioner shall annually report to the common council a correct statement of all moneys by him collected, under the provisions of the fourth section of this chapter, and the manner of expending the same.

Sidewalks—manner of construction, etc.

SEC. 5. Sidewalks shall be constructed upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner

Contracts for building sidewalks.

or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least ten days, of the time, place and manner of securing such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; *Provided*, That no such contract shall be let until sixty days after notice shall have been given to such owner or owners, of the ordinance, resolution, or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city.

Proviso.

Money to be used on streets

SEC. 6. All moneys expended by the common council in the improvement of streets (sidewalks excepted) shall be expended upon the streets in the several wards in proportion to the relative value of taxable property assessed in the several wards, unless the common council shall otherwise unanimously direct.

CHAPTER VII.

Finance and taxation.

Finances and Taxation.

Council to control finances.

SECTION 1. All funds in the city treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasurer, shall specify the purpose of which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes.

Village orders.

SEC. 2. No order or warrant drawn by the authority of the village of Mineral Point, shall be received or paid by the city treasurer, but every such warrant or order shall be first presented to the common council and a city warrant issued therefor.

Debts—how contracted.

SEC. 3. No debt shall be contracted against the city or order drawn upon the city treasury, unless the same

shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council; and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Forfeiture and penalties.

SEC. 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a vote of two-thirds of all the aldermen elect.

Taxable property.

SEC. 5. All property, real or personal, within the city, except such as may be exempt by the laws of the State, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; *Provided however*, That the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or perfecting such rolls, as they may from time to time deem advisable.

Proviso.

Annual meeting of assessors

SEC. 6. On or before the second Monday of May of each year, the assessors shall meet at the common council chamber, and shall organize by electing one of their number chairman, who shall be authorized to administer such oaths as shall be necessary in the discharge of his duties as assessor; and on or before the 30th day of June of each year the said assessors shall make out an accurate and complete assessment roll, which shall contain a description as near as may be of all lands, lots or parcels of land within the city, sufficient to identify the same; and also of all persons or bodies politic, liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body politic, shall be affixed the value of personal property assessed to each. When there are

Make out assessment rolls.

buildings on any lot or tract of land, the value of the same shall be set forth separately when so desired by the owner thereof. The assessors may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to any tract or parcel of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all the assessors elected under this act. The assessment shall be certified to by the chairman or a majority of the assessors, and such certificate shall be conclusive evidence of the organization of the assessors, and the election of such chairman. The assessment roll shall be made out by wards, and show the taxable property both real and personal of each ward separately.

General directions in regard to assessments.

Corrections of assessment.

SEC. 7. On the first and second Mondays of July, and at such time or times as they may appoint, the assessors shall meet at the common council chamber, for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require.

Return assessment roll to council—duty

SEC. 8. On or before the first day of August in each year, the assessors shall return their assessment roll to the common council, by depositing the same with the clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Assessment roll—filing & approv'g same.

SEC. 9. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of money necessary or required to be levied for school purposes, and shall by resolution levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council; *Provided*, That the amount of tax levied, for

Council to determine am't of taxes to be levied annually.

Proviso.

the general expenses of the city, shall not exceed five mills on the dollar of the assessed value of property in said city; nor the amount of tax levied for improvement of streets, exceed five mills on the dollar, valuation as aforesaid; nor the amount of tax for paupers, exceed the same amount, except authorized by a vote of the citizens, at a regular annual election, upon a proposition submitted by the common council, of which ten days notice shall be given.

Taxes, etc., to be a lien upon property.

SEC. 10. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed; and upon all personal property of any person or body politic assessed for personal taxes from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien; any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

City clerk to deliver a copy of assessment roll to clerk of board of supervisors.

SEC. 11. Before the annual meeting of the board of supervisors of the county of Iowa, and by the time required by the laws of the State for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before said board at their annual meeting.

County equalization.

SEC. 12. The board of supervisors shall have the right to regard the city of Mineral Point, as a town in equalizing the assessment rolls of the several towns in said county as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll and shall not change the relative valuation of the different wards.

City to be taxed as a town.

SEC. 13. The said board of supervisors may levy a tax or taxes as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall call the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out state,

SEC. 14. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon

county and other taxes on the roll.

the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the State, county, city or other purposes, and all delinquent taxes, if any of previous years, and all special taxes levied by the common council, since the making out of the last annual tax list, in such superate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called the Tax List of the city of Mineral Point, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be evidence in courts.

SEC. 15. The tax list made out and preserved as aforesaid, shall be prima facie evidence in every court of record in this State, that every act or thing required by law, to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regular, correct and as required by law.

Clerk to give a copy to treasurer for collection.

SEC. 16. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the twenty-fifth day of November of said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax list preserved in this office.

Treasurer to collect taxes.

SEC. 17. The city treasurer upon receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January and five per cent fees upon all taxes collected after that time to be added to the amount of taxes, and collected with the same, and two per cent. upon all other moneys paid into the treasury, which shall be in full for all service performed by said treasurer under this act or the ordinances of the city.

His fees.

SEC. 18. On or before the the 15th day of February of each year, the said treasurer shall make out and return to the treasurer of Iowa county, a list of all lands and lots, upon which the taxes have not been paid, and shall also settle with and pay over all moneys, properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, by the same time make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns from the several towns.

City treasurer to make return to county treasurer.

To make return to city clerk.

SEC. 19. The county treasurer shall sell all delinquent lands and lots returned from the city of Mineral Point, at the same time and in the same manner as other delinquent lands are sold in said county.

County treasurer to sell delinquent lands

SEC. 20. All real estate exempt from taxation by the laws of this State, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Exempt lands taxable for city improvements.

SEC. 21. All lands lying within the city limits, used or kept for farming purposes and not divided and laid out into lots, or lots and blocks, and all out lots, not sub-divided, and numbered by such sub-divisions, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax.

Farming lands lying in city—how taxed.

SEC. 22. All the directions hereby given, except in section nine of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, shall be deemed only directing, and no error or informality in the proceedings of any of the officers, entrusted with the same, not effecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Directi'ns here given—how to be construed.

CHAPTER VIII.

Common Schools.

Schools

SECTION 1. The city of Mineral Point shall constitute one school district, under the control and management of a board of education, to be composed of the city superintendent, *ex officio*, who shall be president of the

City to constitute school district—control and management.

board, and one commissioner from each ward, to be appointed by the common council at their first annual meeting, to hold their offices for the term of two years. Said commissioners may be removed from office for official misconduct or willful neglect of duty, by the city council, by a vote of two-thirds of the members thereof, a fair hearing having been granted before removal.

Commission'rs —oath.

SEC. 2. Said commissioners shall, within ten days after their appointment, take the oath of office prescribed by the constitution of this State, and file the same with the city clerk. At their first meeting they may appoint one of their number clerk, or if advisable, some other person, to hold his office during the pleasure of said board, who shall receive such compensation as said board may determine. The said commissioners shall receive no compensation for their services.

First meeting.

Clerk of board —duty.

SEC. 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe; which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records, and all the books and accounts of the said board, shall at all times be subject to the inspection of any member thereof.

Record, etc.

Council may levy tax incid'ntal to school purposes—

SEC. 4. The city council of the said city of Mineral Point shall have the power, and it shall be their duty to raise from time to time, by tax upon the real and personal estate in said city subject to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary and proper for any or all of the following purposes:

Purchase, lease and improve sites.

1st. To purchase, lease or improve sites for school houses.

Build school houses, etc.

2nd. To build, purchase, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.

School apparatus, etc.

3rd. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to extend to the furnishing of class or text books for any scholar whose parent or guardian shall be able to furnish the same.

4th. To procure fuel, and defray the contingent expenses of the common schools and the expenses of the school library of said city. Fuel, etc.

5th. To pay wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose: *Provided, however*, That no tax shall be laid for such purpose oftener than once in each year; *And provided, also*, That the amount to be raised for teachers' wages and for contingent expenses in any one year shall in no case exceed twice the amount of public moneys received during the previous year, nor less than one half the amount received by said city for school purposes from the income of the school fund; and that the amount to be raised in one year for buying sites and erecting and repairing school houses and the appurtenances, shall not exceed one thousand dollars, save as excepted in the seventeenth section of this chapter. Teachers' wages. Proviso. Further proviso.

SEC. 5. The city council shall cause the tax or taxes herein provided for, to be levied and collected annually, in the same manner as annual taxes are levied and collected in said city, and all moneys so collected, and all school moneys appropriated by law to, or provided for said city, shall be paid to the treasurer of said city, who together with the sureties upon his bond, shall be accountable therefor, in the same manner as for other moneys of said city. Taxes herein provided for collected in the same manner as annual taxes —disposit'n of same.

SEC. 6. After this act shall go into operation, the treasurer of said city shall not pay out any moneys in his hands, received by the said city, either as school moneys, or collected or received by virtue of any provision of this chapter, excepting upon an order drawn upon him, signed by the president and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board. After act goes in operation—how the school money is to be drawn.

SEC. 7. The said board may cause a suit or suits to be prosecuted in the name of the city of Mineral Point, upon the official bond of the treasurer or of any collector of said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping, or payment of any moneys in this act mentioned. Board can institute suits against delinquents.

SEC. 8. The said board shall have power, and it shall be their duty: Power and duty of board—

1st. To establish and organize such, and so many schools, in the several wards of said city, as they shall Schools.

deem requisite and expedient, and to alter and discontinue the same; *Provided*, That the system of graded or union schools, shall be adopted as the foundation of all such schools;

Proviso.

Hire school houses, etc.

2d. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence or improve them as they deem proper;

Lots and sites owned by village.

3d. Upon such lots, and upon any sites now owned by the village or school district number one, in the town of Mineral Point, to build, enlarge, alter, improve and repair school houses, out houses and appurtenances, as they may deem advisable;

School apparatus, etc.

4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture, and appendages, and to provide fuel for the schools, and defray their contingent expenses, and the expenses of the district library;

Custody and safe keeping of school houses.

5th. To have the custody, and safe keeping of the school houses, out houses, books, furniture, and appendages, and to see that the ordinance of the city council in relation thereto, are observed;

Contract with and employ teachers, etc.

6th. To contract with, and employ all teachers in the common schools, and the high schools, who shall have been licensed by the superintendent, and at their pleasure to remove them;

Pay wages of teachers.

7th. To pay the wages of said teachers, out of such funds provided for that purpose, as may be in the treasury of the city;

Defray contingent expenses of board.

8th. To defray the contingent expenses of the board, including the salary of the clerk; *Provided*, The account of such expenses shall first be audited and allowed by the city council;

To have control of schools.

9th. To have the entire supervision and control of the common schools in said city, and to regulate the manner of receiving pupils, and their transfer from one school to another, and to adopt rules for their own government;

To sell school houses.

10th. Whenever said board deem it advisable to sell, any of the school houses, lots or sites, or any of the school property, now or hereafter belonging to the city, to report the same to the city council;

When necessary to make recommendation to council, etc.

11th. To recommend to the city council any matter in which its action is desirable, and, also, the amount of money necessary to be raised, under the fourth section of this chapter, and the reasons therefor.

Non-resident children.

SEC. 9. The said board may allow the children of non-residents to attend any of the schools of said city, upon such terms as said board shall by resolution prescribe, fixing the rate of tuition therefor.

Board to make annual reports to city council.

SEC. 10. It shall be the duty of the said board, on or before the last Monday of September in each year, to prepare and report to the city council a true and correct statement of the receipts and disbursements of moneys, under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated, under appropriate heads:

Of moneys.

1st. The moneys received by the city, under the fourth section of this act;

School money received by treasurer.

2d. The school moneys received by the treasurer of the city, from the county treasurer;

By tax.

3d. The moneys received from direct tax.

Other moneys received by treasurer.

4th. All other moneys received by the treasurer, subject to the order of the board, specifying the sources. And the city council shall cause the same to be published.

Subject to reg'ns made by state superintendent.

SEC. 11. The said board shall be subject, from time to time, to the rules and regulations made by the State superintendent of common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

City superintendent, duties and powers.

SEC. 12. The city superintendent shall be the executive officer of the board of education, shall examine all teachers making application for schools in the presence of the board, shall grant certificates to such persons so examined, as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the public schools; he shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board, shall superintend the building and repairing of all the school houses ordered to be erected or repaired by them, unless otherwise directed. In addition to the foregoing duties, he shall visit the common schools of the city, at least twice during each term, and report their condition to the board with such suggestions for their improvement as he may deem proper. His compensation shall be fixed by the common council of the city.

Further duties

Compensation

Make report to

SEC. 13. It shall be the duty of the city superintend-

the clerk of the board of supervisors.

ent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, setting forth such facts as are now required by law to be included in the report of school district clerks.

City council—duty in regard to schools.

SEC. 14. It shall be the duty of the city council to pass such ordinances as may be necessary for the protection and preservation of the school houses, lots, sites and appurtenances, and to impose proper penalties for violation of the same; such penalties to be collected as other penalties for the violation of other city ordinances, to be paid to the city treasurer, subject to the order of the board of education.

Title to school houses, etc., to be transferred to city.

SEC. 15. The title of the school houses, lots, sites, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, now belonging to school dirtrict number one, in the town of Mineral Point, and such as may be hereafter acquired, shall be

May sell same

vested in the city of Mineral Point; and the same may be sold by the common council of said city upon application of the board of commissioners, upon such

Not to be levied upon nor subject to taxation.

terms as said city council may deem advisable. The same while used or appropriated for school purposes, shall not be levied upon or sold by order of any warrant or execution, nor be subject to taxation for any pur-

Further powers.

pose whatever; and the said city in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate, transfered to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same be transferred to said city by its proper style, or by any other designation, or to any person or persons, or body, for the use of said schools.

Moneys—by whom held & how drawn.

SEC. 16. All moneys required to be raised by virtue of this act, or being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by drafts drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may be by law authorized to receive.

Council may

SEC. 17. The common council of said city shall have

power to borrow a sum of money not exceeding ten thousand dollars for the purpose of procuring sites and erecting a suitable edifice or edifices for the use of the schools thereof, to be expended under the direction of the board of education, and to execute bonds therefor, under the common seal of the city, and the signature of the mayor and clerk thereof. The loan of the sum hereby authorized, shall be for a term not exceeding fifteen years, and shall be paid in manner stipulated by said city council, and the interest thereon shall be paid annually, and the city council are hereby authorized and it shall be their duty to raise by tax, in manner as specified in the fourth section of this chapter, the annual interest of said loan, and to pay over the same in discharge of such interest; and also to raise in the same manner any sum necessary to meet the conditions of said loan, and to pay over the same in discharge thereof. Borrow money for school purposes, etc.

SEC. 18. It shall be the duty of the city clerk immediately after the appointment of any person as commissioner of common schools or election as city superintendent, personally to notify him of his appointment or election; and if any such person shall not within ten days after receiving such personal notice of appointment take and subscribe to the constitutional oath, and file the same with the city clerk, the city council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal. When a person is appointed commissioner of common schools—duty of clerk.

SEC. 19. The present officers of school district number one in said town of Mineral Point, shall continue in office until the unfinished business of said district shall have been closed up and settled, with all the powers and duties now by law imposed upon them, for the purpose of closing up such unfinished business, which shall be done with as little delay as possible. Present officers to continue in office till unfinished business is closed up.

CHAPTER IX.

Fire Department. Fire departm't

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or other materials, that shall not be considered fire proof, shall not be erected or repaired, and to Power of council as to erection of buildings.

direct that all and any buildings within the limits prescribed shall be made and constituted of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage.

Regulate construction of chimneys, etc. Further powers.

SEC. 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, to require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor and aldermen, fire wardens and other officers of the city, to keep away from the vicinity of a fire, all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the preservation and extinguishment of fires as the common council may deem expedient.

Purchase fire engines, and authorize the organization of fire companies

SEC. 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up.

Full company.

Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this State or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment.

Members of companies exempt from certain tax.

Every member of each company hereby authorized to be formed, shall be exempt from highway work, poll tax, from serving on juries and from military duty during the continuance of such membership.

Annual meeting of fire companies, nominating officers.

SEC. 4. There shall be a meeting of the members of said companies on the third Monday of March in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer and their assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

Companies to nominate—council to appoint fire wardens.

SEC. 5. At the same time the members of said company shall nominate and the common council shall appoint the same, four first fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe, and they may at any time, enter into or open any house, storehouse, or other building or enclosure, for the purpose of inspecting the same and with a view to guard against fire.

Fines—how disposed of.

SEC. 6. One-half of the nett proceeds of all fines or penalties recovered for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid to the fire department.

Refusing to obey any lawful order of an officer at a fire—punishment.

SEC. 7. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally, the marshal, constable, watchman, or any citizen, to arrest such person and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner, such officers, or any of them, may arrest or direct the arrest and confinement of every person at such fire, who shall be intoxicated or disorderly. And any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Power to authorise a sack company, duty and power of same.

SEC. 8. The common council shall have power to organize a sack company, which shall be known as Sack Company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special

police, in and for the city of Mineral Point, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this State. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation, that they will faithfully discharge the duties of their office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion, or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all members of said comaany.

By-laws.

Receive no pay

Duty in case of riots or disturbance.

Take an oath.

CHAPTER X.

Miscellaneous.

Miscellaneous Provisions.

City successor to village.

SECTION 1. The city of Mineral Point shall be and is hereby invested as the lawful owner and successor of all the real and personal property, and all the rights and privileges belonging to the corporation of the village of Mineral Point, together with all the funds, revenues, debts and demands due and owing to the said village of Mineral Point, as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts or purchases have been acquired, vested or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against said village of Mineral Point may be continued, prosecuted, defended and completed in the same manner as if this act had not been passed.

Village officers and succession

SEC. 2. All the officers of the village of Mineral Point shall remain in their respective offices and perform the duties thereof, until the officers elected by virtue of this act are elected and qualified, at which time they shall deliver over all books, papers, moneys, and other property in their possession to the respective city officers who by the nature of his or their respective office is entitled to the custody of the same. All by-laws, resolutions and ordinances, passed and adopted by the president and trustees of the village of Mineral Point, shall remain in force, until altered, amended, or repealed by the city council.

Work for city to be done by contract.

SEC. 3. All work for the city, or either ward thereof, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Actions ag'inst city—how to be brought.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act, or by-laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant as the exigencies of the case may seem to require; *Provided*, That nothing herein contained, shall be so construed as to prevent any peace officer from arresting without process any person found in a state of intoxication, or guilty of immoderate drinking, improper revelling, obscenity, or noisy, boisterous or disorderly conduct in the streets, or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Proviso.

Executions—how collected.

SEC. 5. Execution shall issue forthwith on the rendition of judgment, unless the same be staid or appealed according to the laws of this state. The execution, except in cases ex-contracted, shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be found, to be imprisoned in the jail of Iowa county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid, or discharged by the common council.

No person incompetent as a judge.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Want of election not to work a loss of franchises.

SEC. 7. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day by order of the mayor; and in case of the failure of the first election by order of the president of the village of Mineral Point, any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

Suits against city.

SEC. 8. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as the ordinances or resolutions of the council may provide.

City may hold real or personal property.

SEC. 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Not repealing, etc.

SEC. 10. No general law contravening to [the] provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

When village ceases to be, etc.

SEC. 11. From and after the second Monday of May, A. D. 1857, the connection between the town of Mineral Point and that part of said town included within the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Mineral Point, shall be performed by the aldermen of the several wards, and the other officers of said city. All that part of the town of Mineral Point not included within the city limits, shall constitute the town of Mineral Point; and the first town meeting shall be held at such place as the chairman of the board of supervisors shall appoint.

SEC. 12. The city of Mineral Point shall be represented in the board of supervisors of the county of Iowa by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his respective ward. The alderman acting as supervisor shall have the power to substitute any other alderman in his ward to act in his stead. City to be represented in board of supervisors.

SEC. 13. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his services, and they are hereby prohibited from being in any manner interested in any contract made by the authority of said city. Mayor and aldermen receive no compensation.

SEC. 14. Every license issued by the authority of this act, or the ordinances of the city shall be signed by the city clerk and sealed by the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same, shall have deposited with the clerk, the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this State, which bond shall be approved either by the mayor or common council, and the minimum sum fixed be the laws of this State, to be paid for any such license, shall be paid to the city treasurer in money, and shall be quarter yearly paid by said treasurer to the treasurer of Iowa county. Every such license shall contain a clause prohibiting the selling, vending, or giving away of any spirituous, vinous or malt liquors, on general or special election days. Licenses, how issued.

SEC. 15. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act or the ordinance of the city, or may be indicted in the circuit court of Iowa county, and upon conviction thereof any such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Iowa county not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void. Selling liquors on election days prohibited.

SEC. 16. No suit or proceeding shall be commenced Suits to recover

Title or possession of any lot—how prosecuted.

or prosecuted to recover title or possession of any lot, piece, or parcel of lands, situated within the limits of the city of Mineral Point, held or claimed by virtue of any deed purporting on its face to be executed on account of any sale for taxes or assessments levied after the passage of this act, until the person commencing such a proceeding shall have deposited with the court, in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deeds, paid by such holder or claimant, together with twenty-five per cent. interest thereon from the time of such payment to the commencement of such suit or proceeding; and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified and provided in section 109, chapter 15, title 5, of the revised statutes.

Property of individuals not subject to sale for debts of city.

SEC. 17. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation, or contract of said city.

Judgment against city, etc.

SEC. 18. When a judgment shall be recovered against said city or any ward thereof, or against an officer of said city, or of any ward thereof, in any action prosecuted by or against him in his name of office, where the same should be paid by the city, or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided, but the same unless reversed, shall be levied and collected as other city or ward charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the

rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution, on special application therefor.

County jail granted for use of city.

SEC. 19. The use of the jail of Iowa county until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Village officers

SEC. 20. All officers of the town of Mineral Point, shall remain in their respective offices, and perform the several duties thereof, until the officers elected, by virtue of this act, shall be elected and qualified.

When town shall be dissolved, &c.

SEC. 21. From and after the second Tuesday in May next, the connection between the said city and the town of Mineral Point, for town purposes, shall be dissolved, and the duties now or hereafter imposed upon the supervisors of the several towns, and other officers of towns, so far as they relate to the city of Mineral Point, shall be imposed on the officers of said city, and so much of said town of Mineral Point, as is not included in the city of Mineral Point, shall continue to constitute the town of Mineral Point, for the purposes of town and county government, and they shall hold their next town meeting at such place within the original town of Mineral Point, as the present board of supervisors shall appoint, and thereafter their place of meeting shall be decided by vote of their town meeting. The town business of the present town of Mineral Point, up to the time of the commencement of the city government, under this act, shall be settled by the town, as constituted by this act, and the amount of funds remaining, or debts due, as the case may be, proportioned between the said town and city of Mineral Point, according to the amount of taxable property belonging to each, as taken from the last assessment roll, such settlement to be made with the city council, by the supervisors of said town.

Justices of the peace of the village.

SEC. 22. Any justice of the peace of the town of (Beloit,) [Mineral Point,] whose term of office shall not have expired at the time this act shall take effect, may

hold and exercise the duties of his office for the residue of his term of office, in the same manner as though this act had not been passed.

Paupers, &c.

SEC. 23. The laws of this State, for the relief and support of the poor in towns, shall apply to said city, and the common council shall annually levy such tax as will be necessary to comply with the provisions of such laws. The aldermen of the city shall be overseers of the poor, in their respective wards.

Bonds issued by village.

SEC. 24. All principal and interest upon all bonds, which have heretofore been issued by the town of Mineral Point, for railroad stock or other purposes, shall be paid when the same, or any portion of the same, shall fall due, by the city and town of Mineral Point, in the same proportions as if said town and city were not dissolved, such proportions to be apportioned in the same manner as provided in section twenty-one of this chapter, for the payment of money due to the present town of Mineral Point, and in case either town or city shall pay more than their equal and just portion of the same at any time, the other party shall be liable therefor, in action on the case, brought by the party so paying for the same.

Vote on city charter.

SEC. 25. At the next town meeting to be held in the town of Mineral Point, on the first Tuesday of April next, the question of city charter or no city charter, shall be submitted to the qualified electors residing within the proposed city limits, and for that purpose there shall be provided a separate ballot box for votes cast on that subject. Those voting in favor of city charter, shall deposit a vote on which shall be written or printed, the words, "city charter," and those voting against city charter, shall deposit a vote on which shall be written or printed the words, "no city charter."

Public act.

SEC. 26. This act shall be considered a public act and shall be construed favorably in all courts and places.

How act shall be construed.

SEC. 27. This act shall take effect from its passage, and the same shall cease to be a law or to have effect on the first Monday of May next, in case a majority of the electors shall vote "no city charter," as provided in section twenty-five (25) of this chapter.

Repealing clause.

SEC. 28. An act entitled "An Act to incorporate the village of Mineral Point," approved July 11, 1844, and all acts amendatory thereto, so far as the same are in-

consistent with the operations of this act, are hereby repealed.

Approved March 2, 1857.

Chapter 132.

An Act to incorporate the City of Appleton.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

City and Ward Boundaries.

City and ward boundaries.

SECTION 1. From and after the third Tuesday of April next, the district of country, in the county of Outagamie, and town of Grand Chute, contained within the limits and boundaries hereinafter described, shall be a city, by the name of Appleton, and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described shall be a municipal corporation by the name of the city of Appleton, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the power herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

City boundaries.

SEC. 2. The territory lying in the town of Grand Chute, in the county of Outagamie, and being all of sections twenty-two, twenty-three and twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, and thirty-six, in town twenty-one north, of range seventeen east, shall constitute the city of Appleton.

Same.

SEC. 3. The city shall be divided into (3) three wards, as follows: The first ward shall be all that portion lying east of the following line, viz: Commencing at a

Ward boundaries.

First ward.

point on the north line of the city limits, due north of and opposite to the centre of the northern extremity of Drew street, thence south to the northern extremity of said Drew street, thence south along the centre of said street to Water street, thence in a southerly direction through Fox river to the west end of Grand Chute island, thence around said island to the intersection of the Winnsbago Lake and Fox River Plankroad, on the main land south of the branch of said river, thence along said plankroad to the southern boundary of the city of Appleton. The second ward shall be all that portion lying west of the following line, and not included in the first ward, viz: Commencing at a point on the north line of the corporate limits, due north of, and opposite to the centre of the northern extremity of North Division street, as marked on Stephens' Lithographic Map, thence along the centre of said street, which is hereby named and established as Western Avenue, and through the Court House square to the centre of Elm street, thence south along the centre of Elm street to Fox river, thence to the centre of said river, thence south-easterly to the western boundary of the first ward, at the end of Grand Chute island. The third ward shall include the remaining portion of territory in said City of Appleton not included within the first and second wards as hereinbefore described.

Second ward.

Third ward.

CHAPTER II.

Elections.

Elections.

Annual elections of city officers.

SECTION 1. The annual election for ward and city officers, after the first, shall be held on the first Tuesday of April of each year, at such place in each ward, as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days previous notice shall be given by the common council, of the time and place of holding such elections, and of the city and ward officers to be elected. The elective officers of said city, shall be a mayor, treasurer, assessor and marshal, one justice of the peace for each ward, one constable, one county supervisor, and two aldermen for each ward. All other officers necessary for the proper management of the affairs of said city, shall be ap-

Elective officers.

Other officers.

pointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified; *Provided, however*, The common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, except justices of the peace, by a vote of two thirds of such body, due notice being first given to the officer complained of. Terms. Proviso.

SEC. 2. When a vacancy shall occur in the office of mayor or alderman or county supervisor or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council, and held within fifteen days after such vacancy shall be made known to the common council, and the notice of such election shall be from the same authorities and for the same length of time, and be conducted in the same manner as annual elections; any vacancy happening in any other office, shall be filled by the common council; the person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies—how filled.

SEC. 3. All the elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Where two or more candidates for an office shall receive an equal number of votes for the same office, then the same shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct. What constitutes an election.

SEC. 4. All persons entitled to vote for county officers, who shall reside within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office thereby created. Qualified electors.

SEC. 5. The elections in said city after the first shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections and shall take the usual oaths or affirmations, as prescribed by the general election laws of this State to be taken by the judges and inspectors of election, and shall have power to appoint clerks of such elections and to administer Elections after first—how conducted.

the necessary oaths; said elections shall be held and conducted in the same manner, and under the same penalties and vacancies in the board of inspectors thereof, filled as required by the laws of this State regarding elections.

Illegal voting. Challenge. Oath. Perjury—punishment. Duty of inspectors.

SEC. 6. If either of the inspectors shall suspect that any person offering to vote, does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear, (or affirm, as the case may be), that you are twenty-one years of age; that you are a citizen of the United States, (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in this State one year, in this city six months, and within this ward ten days next preceding this election; and that you have made no wager, depending on the result of this election." And if the person offering to vote, shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law, for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified, shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an indictment, and upon conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors, to keep a list of the names of all persons whose votes may be challenged, as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue or incorrect counts and tallies of votes, each and every such inspector, and clerk, shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, and not less than one

hundred dollars. All such indictments shall be tried in the circuit court for the county of Outagamie. Indictments.

SEC. 7. When any election under this chapter, after the first, shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every officer, and shall deliver or cause to be delivered, such returns to the clerk of the common council, who shall forthwith give notice to each of the aldermen elected, of their respective elections. Within one month, and after any election, the common council shall meet and canvass said returns, and declare the result, as it appears from the same. Make return. Meeting of council.

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form as general or annual elections, and within such time as may be prescribed by the common council by ordinance. Special elections.

SEC. 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall refuse or neglect for ten days after written notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as provided in section second of this chapter. When an office deemed vacant

SEC. 10. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and one alderman who shall hold his office for one year. At every annual election thereafter, there shall be elected one alderman who shall hold his office for two years. There shall be written or printed, or partly written or partly printed, at the head of the votes for alderman for one year, "Alderman for one year." The county supervisor elected in each ward shall be a member of the county board of supervisors, with all the rights duties and liabilities of the chairman of the board of supervisors of a town; *Provided*, That, by consent of the alderman of any ward, each county supervisor may substitute either of the aldermen of his ward in his place in said county board for such time as may be named by him in writing. First and subsequent elections—elective officers.

Term of offices

SEC. 11. The term of every officer elected under this law shall, after the first election, commence on the second Tuesday of April of the year for which he was elected; and shall, unless hereafter otherwise provided, continue for one year, and until his successor is elected and qualified.

In case no election.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted, in all respects, so far as practicable, in the same manner as annual elections are herein provided.

Trustees of village to give notice of first election, and appoint inspectors.

SEC. 13. The board of trustees of the village of Appleton, shall at least ten days previous to the third Tuesday in April, A. D., 1857, appoint a place in each ward, for holding the first election of officers in said city, and appoint three inspectors, and one clerk of election in each ward, and give notice thereof, at least five days previous to such election, by publishing the same in a newspaper printed in the village of Appleton; such inspectors shall at such first election, have the powers and duties conferred by this chapter, on the aldermen of each ward, acting as inspectors of elections; said election shall be held at the same time of day, and conducted in the same manner as the annual elections, provided for in this act, so far as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for, shall be counted and ascertained, by said inspectors, who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the village clerk of Appleton, within two days after such election; within five days after such election, the present board of trustees of the village of Appleton, shall meet and canvass the said returns, and determine who shall have been properly elected officers of said city and wards, and shall cause such determination to be published in a newspaper printed in Appleton, and shall notify each of the officers of his election, to his respective office.

Duty of inspectors.

First election, when held.

SEC. 14. The first election of officers under the provisions of this act, shall be held on the third Tuesday of April, A. D., 1857.

CHAPTER III.

Officers, their Powers and Duties. Officers.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office before some proper person, authorized to administer oaths, and file the same, duly certified by the officer taking it, with the clerk of the city and the treasurer, clerk, marshal, constable, and such other officer as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Appleton a bond, with at least two sureties, who shall swear they are each worth the penalty specified in the bond, over and above all debts, exemptions or liabilities, and such bond shall contain such penal sum, and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officers who shall neglect or refuse to give the same. Officers elected to subscribe an oath of office. Certain officers to give bonds.

SEC. 2. The mayor when present shall preside over the meetings of the common council and take care that the laws of the State and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem for the prosperity and advantage of the city. The mayor shall be the chief executive officer, and the head of the police of the city; and in case of a riot or other disturbances he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. Mayor's duties

SEC. 3. At the first meeting of the common council each year, they shall proceed to elect by ballot one of their number president, and in absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and pre- First meeting of council in each year—duties.

sident shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any act performed by them or either of them, shall have the same force and validity as if performed by the mayor. At the same meeting or as soon thereafter as possible, the common council shall elect by ballot a clerk who shall hold his office for one year and until his successor is elected and qualified.

Presiding officer.

How styled.

Clerk—duty.

SEC. 4. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; and countersign all orders drawn by the mayor on the treasury in pursuance of any order or resolution of the common council and keep a full and accurate account thereof, in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and have the same effect as if the same had been filed in the town clerk's office of any town. It shall also be his duty to do or perform any act required to be done by clerks of towns not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmations.

Treasurer—duty.

SEC. 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the common council may from time to time direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, and sooner if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk, and published at least one week; the treasurer shall in addition, have

the same powers and duties and subject to the same liabilities, and be entitled to the same compensation as treasurers in towns.

Marshal—duties.

SEC. 6. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace and the collection of license moneys and fines; he shall possess the powers of constable at common law, or by the laws of this State, and receive like fees.

City attorney.

SEC. 7. The mayor shall appoint, at the first meeting in May of each year, or as soon thereafter as convenient, subject to the approval of the common council, an attorney who shall perform such professional services as may be required, and when called upon, shall furnish written opinions upon any subject submitted to him by the common council, for the year.

City printing.

SEC. 8. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate not more than one weekly newspaper, printed in said city, in which shall be published all ordinances, of the common council, to be published in a newspaper, and in case of the publication of any ordinance, notice, resolution, or other matter, which is required to be published, the editor or publisher of said paper, shall file with the clerk of the city, a copy of such publication, with the affidavit of such editor, publisher, or foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of such publication.

Proof of publication.

Officers neglecting to deliver to successors in office, books, &c.—punishment.

SEC. 9. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects, of every description in his possession, belonging to said city, or appertaining to the office he may have held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may receive the possession of such books, papers and effects, in the manner prescribed by the laws of this State.

Alderman not to be interested in any contracts.

SEC. 10. No alderman shall be a party to, or interested in any job or contract with the city or any of its wards, and any contract, in which any alderman shall be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the

common council may sue, in the name of the city for, and recover the amount so paid, from the party to such contract, and the alderman interested in the same;

Proviso. *Provided,* The money shall be received from no innocent party who was ignorant of the interest of such alderman, at the time of his receipt of such money.

Peace officers —duty. SEC. 11. The mayor or acting mayor, the sheriff or any deputy sheriff of Outagamie county, and each and every alderman, justice of the peace, marshal and constable, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior, within the limits of the city, and for such purpose, may command the assistance of all by-standers, and if need be, of all citizens and military companies, and if any person, by-stander, military officer or private, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars, unless such individual, so refusing, shall be so sick or infirm as to render it impracticable for him to comply with such command, which sickness or infirmity may be shown in defence.

Justices of the peace; powers and duties. SEC. 12. The justices of the peace provided for in this act, shall have the same rights, powers and jurisdiction as justices of the peace elected by towns; and shall have jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace, and try all offences against the ordinances of the city; and said justices shall have sole and conclusive jurisdiction in all cases of offence against the ordinances of said city, except in those cases where the fine or penalty imposed by such justices shall exceed the sum of five dollars exclusive of costs; in such case the defendant shall have right to an appeal under the same provisions and requirements as are now provided for taking appeals from justices of the peace.

CHAPTER IV.

Common council. ### *The Common Council—its Powers and Duties.*

SECTION 1. The mayor and aldermen shall constitute the common council; and the style of all ordi-

nances shall be—"The mayor and common council of the city of Appleton do ordain as follows." The common council shall meet at such time and place as they by resolution shall direct; but they shall hold stated meetings on the first Saturday of each month; and the mayor may call special meetings by notice to each of the members, or left at their usual place of residence; a majority of the aldermen shall constitute a quorum. Style of ordinances. Meetings of council. Quorum.

SEC. 2. The common council shall determine the rules of its proceedings, and be the judges of the election and qualification of its own members, and have power to compel the attendance of absent members. Council—duties and privileges.

SEC. 3. The common council shall have the management and control of all the property and the finances of the city; and shall likewise in addition to the powers herein granted have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade and health thereof, and as they shall deem expedient; declaring and imposing penalties and to inforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by laws; and such ordinances rules and by-laws, are hereby declared to be and have the force of law, provided that they be not repugnant to the constitution and laws of the United States or of this State; and for those purposes shall have authority by ordinances, resolutions, or by-laws: Powers of common council.

1st. To license and regulate the exhibition of common showmen and shows of any kind, the exhibition of caravans, circuses, and theatrical performances, the keeping of billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses and regulate groceries, taverns, victualing houses, and also to license and regulate the sale or dealing in spirituous, vinous, fermented or malt liquors, and grant license for the same for such sum, for such time and upon such reasonable conditions and restrictions as the common council may deem for the best interest of the city and not inconsistant with the laws of this State. License showmen, &c.

2d. To restrain and prohibit all descriptions of Gaming.

gaming and fraudulent devices and practices, and all playing at cards, dice or other games of chance, for the purpose of gaming in said city.

Riots, &c. 3d. To prevent any riots, noise or disturbance or disorderly assemblages, suppress or restrain disorderly houses or groceries, or houses of ill fame, and to authorize the destrucrion of all instruments of gaming used for such purpose.

Removing and abating filth. 4th. To compel the owner or occupant of any grocery, brewery, cellar, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as it may be deemed necessary, for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses, &c. 5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder or other combustible materials.

Sidewalks 6th. To prevent the incumbering of the streets, sidewalks, lanes, alleys, or public squares, with carriages, carts, wagons, sleighs, boxes, lumber, stone, brick, fire wood, or any other materials or substances whatever.

Horse racing, &c. 7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the times and places of bathing and swimming in the waters, within the limits of said city.

Cattle, swine, &c. 8th. To regulate the running at large of cattle, and to restrain the running at large of swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same; to prevent the running at large of dogs, and to authorize the destruction of the same, in a summary manner, when at large or contrary to the ordinance, and to levy an annual tax on every dog owned or kept in said city.

Putrid carcasses, &c. 9th. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance or putrid or unwholesome or unsound beef, pork, fish, hides or skins of any kind, and in default of such person to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Pounds, wells, &c. 10th. To make and establish public pounds, wells,

cisterns and reservoirs, and to provide for the erection of water works for the supply of the city in case of fires, or for public use, and to regulate and license hacks, drays, carts, and the charges of hackmen, draymen and cartmen, in the city.

11th. To establish and regulate boards of health, provide hospitals for those infected with small pox and other contagious diseases, and order and regulate the removal of such persons from the city, when the health and safety of the city require; to provide for the burial of the dead, and regulate the burial of the dead, and to exempt burial grounds set apart for public use from taxation. Board of health, &c.

12th. To prevent all persons riding or driving any animal on the side walks in said city, or in any way doing any damage to said side walk, and to direct and regulate the setting of suitable hitching posts along the sidewalks in said city. Immoderate riding and driving.

13th. To prevent the shooting of firearms, or the exhibition of any fire-works in any place which the common council may consider dangerous to the city, or any property therein, or annoying to any person thereof. Firearms, &c.

14th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness, &c.

15th. To regulate the police of the city. Police.

16th. To regulate the place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same. Hay, fuel, &c.

17th. To licence and regulate butchers stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Butchers stalls &c.

18th. To regulate the time, place and manner of holding public auctions or vendues. Auctions, &c.

19th. To provide by ordinance for a standard of weights and measures, and for the punishment for the use of false weights and measures. Weights and measures.

20th. To compel the owners or occupants of buildings or grounds to remove dirt or other rubbish from the side walks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the Side walks, streets and alleys.

board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Shade trees. 21st. To compel the owners of lots to set out shade trees, and to prevent or punish any person damaging or destroying the same.

Ordinances, &c. SEC. 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affimative vote of a majority of the common council, and shall be signed by the mayor and published in one newspaper in the city before the same shall be in force, and within two days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws shall be recorded, the publication thereof, respectively within said time, shall be proved by the affidavit of the editor, publisher or foreman of said newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and nays, and entered among the proceedings of the council.

Nuisances. SEC. 5. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Council to examine, &c. accounts of clerk and treasurer. SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer and other officers and agents of the city, at such times as they shall deem proper, and also at the end of each year, and before the terms for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent, to exhibit his books, accounts and vouchers, for such examination and settlement; and if any such officer or agent, shall refuse to comply with the orders of the said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and

the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such (statements), [settlements] and adjustments.

Overseers of poor.

SEC. 7. The common council shall be overseers of the poor, and shall have the same powers and perform the same duties in respect thereto, as overseer of the poor in towns.

CHAPTER V.

Finances and Taxation.

Finances and taxation.

Funds.

SECTION 1. All funds in the treasury, except school, State and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council.

Levy annual tax.

SEC. 2. The common council may annually levy a tax upon all the property in said city, subject to taxation, not exceeding three mills on a dollar of the assessed value of said property, to defray the current expenses of the city, and an additional tax upon the property liable to taxation in each ward, to pay the indebtedness or defray the current expenses of such ward.

Special taxes.

SEC. 3. Special taxes for purchasing fire engines and fixtures, cemetery grounds, public squares or buildings, roads or bridges, fire engine buildings, or a city hall, or for the repairing or improving any road, bridge, public ground or square, or cemetery grounds, when a sum exceeding one hundred dollars shall be required for any such purposes, may be voted at any regular or special meeting of the voters in said city, but no such vote shall be taken, unless such vote be first recommended by the common council, and a notice of the same, specifying the purpose for which such tax is to be raised, and the time and place for voting, be published at least two weeks before such meeting, in some newspaper in said city.

Ward debts.

SEC. 4. The aldermen of any ward shall certify to the council any debts contracted by such ward, for the current year, and thereupon the said council shall, (if such debt be a proper claim against such ward,) allow

such debt, and direct the mayor and clerk to issue to the proper person, orders of the city to the amount of the debt allowed; *Provided*, The said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued, to meet the indebtedness of such ward, to exceed the amount of tax to be levied and collected under the provisions of this chapter, to meet the current expenses of the year, assuming as a basis, the tax list of such year, if then made out, if not, then the tax list of the next preceding year.

Proviso.

No alderman to contract debts over certain amount.

SEC. 5. No alderman in any ward shall contract debts against such ward in any one year, to an amount greater than the amount of tax which, under the provisions of this chapter, may be levied in such ward to meet the current expenses of the year, and if any alderman shall so contract debts, to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting, shall be liable therefor, as if the debt had originally been contracted by such alderman personally; *Provided*, That no alderman shall be held liable as aforesaid, without proof of his assent as alderman, to the contracting of the debt or liability by the ward.

Proviso.

Assessor—his duties.

SEC. 6. The assessor elected by virtue of this act, shall in all things pertaining to his office so far as practicable, be governed by the same laws as assessors in towns, except as soon as he has completed his assessment rolls he shall return it to the city clerk.

Clerk—duties.

SEC. 7. It shall be the duty of the clerk annually upon the receipt of the assessment roll to lay the same before the common council for their consideration; and the said common council shall be a board of equalizers, and if they deem it necessary may make such amendments, corrections or alterations as will produce an equality of assessment agreeable to the true or comparative value of or between the several lands and portions of property, and when so equalized the common council may at any time thereafter proceed to levy upon the whole amount of such assessment, as corrected and equalized, such a per centage as a majority of the board shall deem necessary for all corporation purposes for the year in which it is made: *Provided*, that such per centage shall not exceed for general city purposes and expenses, exclusive of special and ward taxes, three

Proviso.

mills on a dollar valuation. But no county or school or State tax shall be levied by the said council until the assessment shall have been equalized by the county board, the same as the assessment of towns; and after having been so equalized by the county board, the same rules and regulations shall be observed in levying and collecting said county, State and school taxes, within said city, as are applicable to the same in towns.

Taxes a lien.

SEC. 8. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the levying of such tax upon such assessment roll.

Tax list.

SEC. 9. As soon as said tax shall be levied, the common council shall cause the assessment roll to be copied in a book provided for that purpose, setting opposite to each tract of land, and to such person named under proper columns, such sum or sums as may be levied upon such lot or against such person; the said copy shall be designated the tax list, and to it shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring him and commanding him to collect the taxes and assessments in said list specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, then the said treasurer shall make a return, verified by his oath, to the county treasurer of Outagamie county, in substantially the same form as the return of town treasurer, showing the description of all lots and parcels of land included in the tax list annexed to such warrant, on which the taxes shall then remain unpaid, and the amount of taxes remaining unpaid on each tract; and the county treasurer shall include the lands so returned in his next advertisement and sale for taxes, after such return; and the proceedings shall be in all respects the same as in case of lands returned delinquent by town treasurers, with the addition of like interest and charges; and after such sale the county treasurer shall in each year pay over to the treasurer of said city the amount collected by him by sale or otherwise of the city taxes so returned. And the county treasurer(s) shall recover the same fees for his services under this act as he is entitled to for other like services.

Return by treasurer of taxes unpaid, &c.

Clerk to compare and certify to tax list.

SEC. 10. Such tax list before being delivered to the treasurer, shall be compared by the clerk with the assessment rolls as confirmed; to it he shall append his certificate that the same has been compared by him, and that the assessment rolls, and the whole thereof, has been copied into such tax list; and the said tax list when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named and described were subject to taxation, and that the said assessment was just and equal.

Treasurer's notice.

SEC. 11. On the receipt of such tax list, the treasurer shall give one week's notice thereof in some newspaper in said city; and such notice shall specify that taxes on personal property shall be paid within thirty days from the first publication of said notice, and taxes and assessments on real estate before the fourth Monday in January following; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

Collection by treasurer

SEC. 12. On the expiration of the thirty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in title five of the revised statutes; and if any such personal taxes shall not be paid or collected, in consequence of the delay or neglect of the treasurer, the common council may sue for, and recover the amount thereof, from the said treasurer, and his securities. In case the taxes on personal property shall not be paid within the time limited in the eleventh section of this chapter, the treasurer may issue his warrant, directed to the city marshal, requiring and commanding him within a certain time *in* such warrant to be specified, to proceed and collect such taxes on personal property, as shall then remain unpaid; and the marshal receiving such warrant, shall be subject to all the liabilities, and shall have all the powers of levying, distraining and selling, that are herein given to the treasurer, and shall be entitled to the fees for collecting which the treasurer would have had, had the taxes been collected by him.

Personal tax.

Sale of lands, &c., for taxes.

SEC. 13. On the day and at the place designated in the county treasurer's notice, he shall commence, by public auction, the sale (and continue the same from day to day, till the whole are disposed of) of all tracts,

or lots, or parts thereof, upon which the taxes or assessments shall remain unpaid; the same to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. Immediately after such sale, the county treasurer shall make return to the clerk of the board of inspectors of Outagamie county, in all respects, as required by law, in reference to sales of lands of the different towns in said county.

Treasurer's certificate.

SEC. 14. On receiving the amount of such taxes and charges, the county treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate containing the name of the purchaser, the description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the date and amount of sale, the time, by whom and for what sum the same was redeemed, the time and to whom the same was conveyed, if not redeemed.

In case of refusal to pay for lots bid off.

SEC. 15. In case any purchaser at such sale shall neglect or refuse to pay the amount for which any lot or tract was sold, within twenty-four hours thereafter, the county treasurer shall, on the day following, offer said lots or tracts again for sale, and any person bidding off at any sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

Redemption of lands, &c.

SEC. 16. Any tract or lot of land so sold, or any portion thereof, may be redeemed within three (3) years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein paying to the clerk of the county board of supervisors of Outagamie county, the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or a lunatic be sold, the same may be redeemed upon the like terms at any time within one year after such disability shall be removed. Any tract or lot of land sold in pursuance of this act or any part thereof, which shall not be redeemed within three (3) years from the day of sale, shall be

conveyed by the clerk of the board of supervisors of Outagamie county, to the purchaser or his assigns, as herein provided. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Where no bid is made city becomes purchaser.

SEC. 17. If at any sale of real or personal estate for lands or assessments, no bid shall be made for any parcel of land or any goods or chattels, the same shall be struck off to the city, and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the city treasurer shall have the power to sell the same, at public sale, and in case the city shall become the purchaser of any real estate at any tax sale, the city treasurer is authorized to sell the certificate issued therefor for the amount sold and interest, and to endorse and transfer such certificate to the purchaser.

Lands omitted in previous tax rolls.

SEC. 18. If it shall appear to the assessor, that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, he shall in addition to the assessment for that year, assess upon the tract or lot so omitted, for such year or years that it shall be so omitted, the just value thereof, noting the year when such omissions was made, and such assessments shall have the same power and effect, as it would have had if made the year it was omitted, and the common council shall direct in addition to the tax for the current year, such tract, [tax] to be levied upon such tract or lot as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whatsoever hands they may have come. Should the tax [or] assessment upon any parcel of land be set aside, or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not effecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be reserved in such manner as they

shall by ordinance direct; *Provided*, That if the defect was in the assessment, the same shall again be assessed at such time as the common council may direct, and the said tax or assessment, so re-assessed or re-levied, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act. Proviso.

SEC. 19. All deeds purporting on their face to be executed on account of sale for taxes, or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts [recorded] in such deed, so far as they effect the validity of the title conveyed by such deed. Deeds.

SEC. 20. All of the (directors) [directions] hereby given, for the assessment of lands, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not effecting the substantial justice of the tax itself, shall vitiate or in any wise effect the validity of tax or assessment. Directions deemed only directory.

SEC. 21. The clerk of the board of supervisors of Outagamie county, shall give the same notice of the time when the redemption of lands, sold for city taxes will expire, as is required in case of other lands in said county. He shall receive all moneys tendered legally to him for the redemption [of] lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand to the persons entitled to receive the same. He shall annul all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office, he shall deliver over to his successors all redemption moneys in his hands, with a statement of the amount so received. Redemption and notice of expiration of time. Redemption moneys.

SEC. 22. The city treasurer shall receive such sum for his services as the common council may allow him, not exceeding such fees as are allowed to the town and county treasurer for similar services. Treasurer's compensation.

SEC. 23. Whenever any person shall bid off any lot or tract offered for sale for taxes, which lot shall have been bid off in the name of the city, for the taxes of any previous year, and shall at the time of any subsequent sale, remain the property of the city, such persons To purchase certificate of city, when bid off at subsequent sale.

shall, before being entitled to his certificate of sale, purchase of the city its certificate, by paying the amount of principal, interest and charges thereon, and receive from the city treasurer an assignment thereof.

In cases where city and county sells same piece of land.

SEC. 24. When there shall be sales by the county treasurer of any piece or parcel of land situate in said city for taxes for two or more successive years to different persons, the purchaser of such piece or parcel, who may be first in point of time, may redeem the same from the subsequent purchaser; and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book, and also in the redemption record of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed.

Proceedings to set aside tax.

SEC. 25. No person shall be permitted to institute any proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land or to set aside any deed executed in consequence of the non payment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party or deposit for his use with the treasurer the amount of all state, county and city taxes, and assessments that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Property subject to tax.

SEC. 26. All property real and personal within the city, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities;

Proviso.

Provided, Such lands within the said city limits while used for agricultural or horticultural purposes solely, and all lands not platted, surveyed or in market for town lots shall be subject to no more than one half per cent, on the appraisal for city and ward purposes, one half of which may be appropriated for general city uses and one half for ward uses in the wards where such lands are located;

Proviso.

And provided further, That nothing herein contained shall be so construed as to exempt from taxation for the improvement of streets and alleys and the construction of side and cross walks, any real

estate in said city, owned or held by any corporation, association, church, society, college, academy or individual, and which is by existing laws, exempt from taxation.

CHAPTER VI.

Opening of Streets, &c.

Public grounds, squares, streets, &c.

SECTION 1. The common council shall have power to lay out public grounds, squares, streets and alleys, and widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where said petitioners reside, for public use, for the purpose of laying out squares, grounds, streets or alleys, or for enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the owner or owners, or occupant or occupants of such lands; if any portion of such lands are not in the actual occupation of any person, or the owner is not known to the council, or if known, does not reside within the city, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in some newspaper published in said city, or in the county of Outagamie, for three weeks once in each week.

Petition for same.

Notice to appoint jurors to view premises.

SEC. 2. Such notice shall state, on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to one of the justices of the peace of said city, naming such justice, for the appointment of twelve jurors to view such premises, and to determine whether it will be necessary for the interest of the city to take the same for the purposes specified in the petition.

Justice to point jurors.

SEC. 3. Upon the presentation of such application, and proof of the publication or service of the notice hereinbefore required, the said justice of the peace shall thereupon appoint twelve reputable freeholders and re-

sidents of the city, but not residents of the ward in which such premises may lie, nor interested in the result of such application, the said justice shall thereupon issue his precept directed to said jurors, requiring them within ten days to view said premises, to be specified in said precept, and to make return, under their hands, to the common council, whether, in their judgment, it is necessary for the interest of said city to take said premises for the purposes specified in such application.

To substitute.

SEC. 4. In case any of the jurors so appointed, shall be disqualified from acting, or shall refuse to act, said justice shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Viewing of premises and hearing testimony.

SEC. 5. The said jurors, at such time as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any interested party, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses; after viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, having in view the best interest of the city, which said report, testimony and precept, shall be returned to the common council within the time limited therein.

Report.

On report being confirmed.

SEC. 6. Should the jurors report that it is necessary, or for the interest of the city, to take said premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors within ten days thereafter, in such future time as may be deemed proper, again to view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

To estimate value of buildings.

SEC. 7. If there should be any building standing in whole or in part upon land to be taken, the jurors,

before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him for having such building taken from him; and secondly, the value of such building to him to remove.

Notice to owners of determination.

SEC. 8. At least five days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in some newspaper published in said city, three successive weeks; such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors, and to allow such building to be taken with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such reasonable time for such purpose, as the common council may allow. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have the power to direct the sale of such building at public auction, for cash, giving ten days public notice of such sale. The proceeds of such sale shall be paid to the owner or deposited to his use.

Removal of building.

Jurors to view premises and make award of damages.

SEC. 9. The said jurors, within the time limited, shall view and examine the premises to be taken, and all such other premises as will in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by some one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners, the value of the real estate, proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owner may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the

property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sales thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages and benefits—to strike a balance.

SEC. 10. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received, or paid, by such owner or owners, respectively, and the difference only, shall, in any case, be collectable of them, or payable to them.

Award.

SEC. 11. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest, respectively, may be awarded to them by the jurors, less those benefits resulting to them, respectively, from the proposed improvement.

Jurors to apportion and assess.

SEC. 12. Having ascertained the damages and expenses of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefit resulting thereto, from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made. The award of said jurors shall be required by them, and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment.

Land not to be taken till paid for.

SEC. 13. The land required to be taken for the purposes mentioned in this act, shall not be appropriated, until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; or in case such owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before, such lands may be taken and appropriated, for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds, heretofore opened or laid out.

Land under contract—when discharged.

SEC. 14. (Then) [when] the whole of any lot or tract of land or premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenants or other contracting parties touching the same or any part thereof, shall upon the confirmation of such report, respectively, cease and be absolutely discharged.

When only a part of tract is taken, &c.

SEC. 15. (Then) [when] only a part of a tract or lot of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for or in respect to the same shall be so proportioned so that the part thereof justly and equitably for such residue and no more shall be paid or recoverable in respect to the same.

When damages are to be paid or tendered.

SEC. 16. The damages assessed shall be paid or tendered or deposited as herein required within six months from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in such case shall be void. The benefit so assessed from the confirmation of such report shall become and remain a lien upon the premises so determined by the jurors to be benefited by the opening or widening of such street, alley or public ground.

In case of a minor, &c.

SEC. 17. When any known owner of any lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the county for Outagamie county or a court commissioner for said county may upon the application of the common council or such party or his next friend appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Council may appoint new jurors.

SEC. 18. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the jurors before entering upon the discharge of their duties shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken, and

that they will faithfully and impartially discharge the trust reposed in them.

Appeal.

SEC. 19. Any person whose property is taken, or against whom an assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages or benefits to the circuit court for Outagamie county, where such appeal shall be tried by the court and jury as in ordinary cases, and the common council shall have the same right of appeal.

Survey.

SEC. 20. Whenever any public square, ground, street or alley, shall be laid out, widened or enlarged under the provisions of this act, the common council shall cause an accurate [survey] and profile thereof to be made and filed in the office of the city clerk.

Council to have control of public grounds, &c.

SEC. 21. All public squares, public buildings and public grounds within the limits of said city of Appleton, shall be under the control of said city, and the common council shall make such ordinances and by-laws in reference to the protection of the same as they may deem proper.

CHAPTER VII.

County, School and State Tax.

City clerk to lay assessment roll before supervisors.

SECTION 1. Before the annual meeting of the board of supervisors of the county of Outagamie, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year to be transmitted to the clerk of the board of supervisors, [who] shall have the right of equalizing the assessment of the towns in said county, and of said city as provided by law; but in such equalization, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Tax.

SEC. 2. The said board of supervisors may lay a tax as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied and the purposes to be certified to the city clerk in the manner provided by the general laws of this State; and the said city clerk shall include the amounts so specified, under appropriate headings, in the tax list for city purposes, and shall submit the same to the city treasurer as provided by law.

SEC. 3. The treasurer of the city, in giving bonds, collecting such taxes and making his return to the county treasurer, and in all other respects, shall conform to the general laws of the State. Treasurer—his duty.

CHAPTER VIII.

City Improvements.

SECTION 1. The aldermen of the several wards, shall be street commissioners in and for their respective wards; they shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report in detail to the common council, of their acts and doings, whenever required; and at the expiration of each year, and before their term of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers, to the common council, for final settlement and adjustment. Aldermen to be street commissioners.

SEC. 2. Any person deeming himself aggrieved by any acts of the street commissioners, may at any time, appeal to the common council, who shall inquire into, examine and correct, the acts or order complained of, as they shall deem just and proper; and the further action of the board in this respect, shall be regulated accordingly. Appeal from acts of street commissioners

SEC. 3. The said street commissioners shall have power to contract for making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters and sewers, within their respective wards, and to direct and control the persons employed thereon. Street commissioners. Powers.

SEC. 4. Whenever the said street commissioners shall deem it necessary to construct or repair any side walk within their wards, they shall direct the owner or occupant of any lot adjoining such side walk, to make or repair the same, at his own proper cost and charge. If such work is not done in the manner and within the time prescribed, the commissioners shall cause the same to be done at the expense of the lots adjoining said side walk; and at some period prior to the time of delivery of the tax list to the treasurer, it shall be the duty of the street commissioners to make a report to the common council of the amount of tax properly Repairing side walk. When owners refuse to do the work, &c.

chargeable against each lot, for work done, under the provisions of this section, for any period not exceeding one year prior to such report, specifying the amount in gross, and such amount shall be a lien upon such lots, and be levied thereon as a special tax, with all the legal consequence, both as to the collection of taxes and sale of the lots prescribed by this charter for collecting city taxes.

Cost of surveying streets, &c. by whom paid.

SEC. 5. The costs and expenses of surveying streets, alleys, side walks, sewers, and of estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the fund of the ward, in which such expenses are incurred; opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such streets or alley. Sewers may be ordered by the street commissioners, and built at the expense of the lots or parcels of land, respectively benefited thereby, according to the benefit such improvement shall be to each of said lots or parcels of land respectively, said benefit to be estimated, and ascertained by the said street commissioners;

Proviso.

Provided, however, That when sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks, through which such sewers may be constructed; and when sewers are constructed through streets, no lot shall be assessed therefor, except those situated in the blocks fronting on

Proviso.

such streets; *And, provided, further,* That in all cases where improvements, or work of any kind, are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for, out of the fund of the proper ward, in proportion to the width of the street, alley, or public ground.

Estimate of expense of proposed improvement.

SEC. 6. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3, 4 and 5 of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or side-walks, of the number of cubic yards to be filled in, or to be excavated in front of each lot, and such estimate shall be filed with the city clerk, for the inspection of parties

interested. The street commissioners shall give notice by advertisement, for ten days, in one or more papers published in said city, to the owner or occupants of the lots or parcels of land fronting on any street, alley or side walk ordered to be graded, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time therein to be specified, and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof. Notice of same to owners.

SEC. 7. Whenever the general interest of the city or any ward requires deep cutting or excavation or extraordinary filling in any street and the owner or occupant of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby and shall represent to the commissioners in writing that the expense of such excavation or filling will exceed the benefit, the same will be to such lot or parcel of land, assessed therefor, the street commissioners shall require the marshal to summon three freeholders, not owners or interested in said lots or land, who after being duly sworn, faithfully and impartially to discharge the trusts imposed in them, shall examine the premises, and if in their opinion the cost of such work will exceed the benefit to be derived therefrom, it shall be their duty to report thereof to said street commissioners in writing, and they shall state therein what portion of such work shall be chargeable to the city fund; and such proportion as shall be [reported] as properly chargeable to the lots, or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the city funds; *Provided, however*, That the petition of no owner feeling himself aggrieved by any act of the street commissioners shall be received, unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done; *Provided further*, That when it shall appear to the street commissioners, that lands belonging to non-residents, infants or persons laboring under any disability, who shall not be represented by any agent or guardian, are not benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of said Excavations, &c.—damages determined by freeholders not interested. Proviso. Proviso.

commissioners to cause to be summoned a jury as herein provided.

Stagnant water in lots—to abate the same.

SEC. 8. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters running [remaining] thereon, in a paper printed in said city, at least five days, to abate such nuisance by draining or filling such lot within a reasonable time therein to be specified; and if the same is not so done, then the street commissioners shall cause the same to be abated and removed at the expense of the property upon which the same shall exist.

Street commissioners certificate to contractors, &c.

SEC. 9. After the completion and performance of any contract entered into by street commissioners for work chargeable to lots or land by virtue of this act, they shall give to the contractor or contractors a certificate under their hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same [is] chargeable, which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the making out the annual assessment roll, the same shall be assessed upon the said lots (of)[or] parcel of land respectively, and collected for the benefit and use of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment;

Proviso.

Provided, That in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for the payment thereof.

Appeals.

SEC. 10. In all cases where work is ordered to be done by the owner of any lot under the provisions of this chapter, such owner may make his appeal as hereinbefore provided, at any time within fifteen days after the publication of notice required to be given; and until the expiration of said fifteen days, no such order shall be executed.

Work let by contract.

SEC. 11. All work for the city or either of the wards, amounting to a sum of fifty dollars, or more, shall be let by contract to the lowest responsible bidder, who shall get good sureties; and due notice shall be given of the time and place of letting such contract.

CHAPTER [IX.]

Fire Department.

Guarding against fire.

SECTION 1. For the purpose of guarding against fire, the common council shall have the power to prescribe the limits within which buildings not considered fire proof shall not be erected or repaired, and to direct or prohibit the repairing of wooden buildings within such limits, where the same shall [have] been damaged by fire to an extent exceeding fifty per cent. on the value thereof, and to prescribe the manner of (arresting) [assessing] such damage; *Provided*, The common council shall not prohibit the building of any building within the limits aforesaid, not considered fire proof, without a vote of two-thirds of the common council, thus to prohibit.

Proviso.

Power of council to prevent dangerous construction of chimneys, &c.

SEC. 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearth stones, stove pipes or ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a secure and safe place, or condition, where considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate the carrying on of any manufactories, dangerous in causing or promoting fires; to prevent the use or regulate the use of fire-works and fire-arms; to compel the owners and occupants of buildings situated in the business part of the city, to have scuttles in the roofs of such buildings, or ladders leading to the same; to authorize the mayor and aldermen, fire wardens and other officers of the city, to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations, for the prevention of fires and the extinguishment of the same, as the common council may deem expedient.

Fire engines and fire companies.

SEC. 3. The common council shall have power to purchase fire engines and fire engine houses, apparatus for fire engines, and to authorize the formation of fire companies and to provide for the due and proper regulation of the same, and to order such companies to disband, and their meetings to be prohibited and their

apparatus to be delivered up. Each company may elect its own officers and form its own by-laws, not inconsistent with the laws of the State or the ordinances and regulations of said city, and said companies shall be formed only by voluntary enlistments; and every member shall be exempt from poll tax and highway work, and from serving on juries, and from military duty, during the continuance of such membership.

Meeting of fire companies.

SEC. 4. There shall be a meeting of the members of such company or companies, on the first Monday of July of each year, at such place as the mayor may designate, when they may nominate and recommend to the common council for appointment, one engineer, and the common council shall thereupon confirm such nomination, and the person so appointed, shall perform such duties as the common council may prescribe. At the same time the said company shall nominate, and the common council shall appoint the same, three fire wardens, one of whom shall reside in each ward, and who may, from time to time, as they may deem proper, enter into or open any house, storehouse or other building or inclosure, for the purpose of inspecting the same, and with a view to guard against fire.

In case of refusal to obey orders at fires.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest or to direct orally, the marshal, constable, watchman, or any citizen, to arrest such person, and to confine him temporarily in some safe place, until the fire shall be extinguished, and in the same manner, such officers, or any of them may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, shall be liable to such penalty as the common council may prescribe, not exceeding ten dollars.

Duty of firemen at fires.

SEC. 6. The members of such fire company or companies, are hereby authorized, collectively or individually, at the time of any fire, to take charge of all property which may be exposed or endangered, and shall as far as may be in their power, preserve the same from destruction. The common council are hereby authorized to appropriate such sum as they may deem proper for the compensation of said members of said fire company or companies, and for the proper regula-

tion and expenses of the same; *Provided*, The same appropriations shall not exceed one half of the proceeds of all fines and penalties, prescribed for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter.

CHAPTER [X.]

Miscellaneous Provisions.

Appropriations of money

SECTION 1. No money shall be appropriated for any purposes whatever, except such as are expressly authorized by this act.

Actions brought to recover penalty, &c.

SEC. 2. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police (of) [or] health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this —— or by-law or ordinance under which the penalty or forfeiture is claimed and to give the special matter in evidence under it.

Prosecutions.

SEC. 3. In all prosecutions for any violations (for) [of] the provisions of this act or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Executions.

SEC. 4. Execution shall issue forthwith on the (vindication) [rendition] of the judgment unless the same be stayed or appealed according to the laws of this State. The execution shall require the defendant, in such action, in case no goods or chattels, lands or tenements whereof the judgment can be collected, be found [to be] imprisoned in the jail of Outagamie county, for a time not exceeding six months in the descretion of the justice or judges, rendering judgment, unless the same be sooner [paid.]

No person an incompetent juror, &c.

SEC. 5. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding, or action in which the city shall be a party or interested.

In case of failure to hold elections.

SEC. 6. If any election by the people or common council shall for any cause not be held at the time, or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered a reason for arresting, suspending or

desolving said corporation, but such election or organization shall be had on any subsequent day by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done or performed.

Trees and bridges.

SEC. 7. The general laws for the preservation of trees and bridges, and punishment by such laws provided for the willful and malicious injuries done to the same, are hereby extended to, and shall include all trees belonging to said corporation, and all bridges that are now built and may be hereafter built in said city, and shall apply to any willful or malicious damage which may be done to the same by any person or persons whatever; and the common council may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such trees and bridges, and enforce the same by adequate penalties.

Suits against city.

SEC. 8. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor or city clerk, whose duty it shall be forthwith to inform the common council thereof, or take such other proceedings as by the ordinances or resolutions of said city council may be in such case provided.

City may hold real estate.

SEC. 9. The said city may lease, purchase or hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Repealing, &c.

SEC. 10. No general law of this State, contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. The ordinances, by-laws and regulations established by the board of trustees of the village of Appleton, so far as the same are connected with the provisions of this act, shall be and remain in full force and effect, the same as if passed by the common council, until amended or repealed.

Certain village ordinances to remain in force.

Officers of village, &c.

SEC. 11. All officers of the village of Appleton shall remain in their respective offices, and perform the several duties thereof, until the officers elected by virtue of this act shall be elected and qualified; and no election

for officers of said village shall be held on the first Tuesday of April next, as heretofore provided by law. Whenever the city officers provided for in this act shall have been elected and qualified, the (city) clerk of the village of Appleton shall turn over to the city clerk all books, papers, records and other property in his possession or pertaining to his office belonging to said village. And in like manner the treasurer of said village shall deliver over to the city treasurer all papers, books, money or other property of said village; and in case of neglect or refusal of either of said officers so to do within fifteen days after the charter election hereinbefore specified, the common council may sue and recover such property, together with a fine of fifty dollars of such delinquent.

When officers deliver book.

SECT 12. From and after the first Tuesday of May next, the connection between the said city and the town of Grand Chute, for town purposes, shall be (delivered), [dissolved], and the duties now or hereafter imposed upon the supervisors of the several towns and the officers of towns, so far as they relate to the city of Appleton, shall be imposed on the officers of said city, and so much of said town of Grand Chute, as is not included in the city of Appleton, shall constitute the town of Grand Chute, for the purposes of town and county government. The ensuing town meeting for the original town of Grand Chute, shall be held at the court house, on the first Tuesday of April, 1857, and thereafter, at such place as a majority of the legal voters residing in said town, as constituted by this act, shall determine; *Provided*, That if a majority of the voters of such town, so determine, they may hold subsequent town meetings, at some public place within the limits of said city; *Provided, further*, That all officers to be chosen at the ensuing town meeting, shall be actual residents of the town of Grand Chute, as herein constituted, and all (voters) [votes] for residents of the city of Appleton, cast at such election, shall be void and of no effect. All special (votes) [taxes] for the improvement of roads, and the construction or repair of bridges, which may [be] voted (as) [at] such town meeting, shall be levied upon the assessed valuation of the whole of the town of Grand Chute, as said town existed prior to the passage of this act, and shall be expended upon such roads and bridges as the major-

When connection between town and city ceases, &c.

Proviso.

Proviso.

Special taxes.

ity of the voters of said town and city voting thereon, in said town meeting, shall determine, it being expressly understood that the qualified electors of both town and city shall be entitled to vote at said town meeting, upon the levying and disposing of such special taxes; and the better to enable the carrying out of such determination, the common council of the city of Appleton, are hereby required, on or before the 15th day of June, 1857, to appoint a committee, consisting of one alderman from each ward, to co-operate with the board of supervisors of said town, in the expenditure of said taxes, and such special taxes shall be expended upon such roads and bridges only, as the qualified electors shall have designated in the before mentioned town meeting. The committee of the common council shall have power to draw orders upon the city treasurer, to the amount of the aforesaid special taxes upon property in said city, in payment of work actually done, or materials furnished by or under the direction of said committee, and the town board, acting jointly, and the city treasurer, shall keep a separate account of such orders, by him paid or received, and report the same, together with a statement of the whole amount raised in said city, both to the common council and board of supervisors, on or before the second Monday in March, 1858, and if it shall then appear, that any part of such funds remain unexpended, the same shall remain in the city treasury, and be applied solely to the purposes for which they were levied or collected, as the common council may thereafter, at any time direct. The common council shall ascertain the proportionate amount of such taxes, to be paid by said city, and shall cause the same to be apportioned upon the property in said city, and entered under appropriate headings in the tax list, prior to the delivery thereof to the city treasurer for collection. The town business of the present town of Grand Chute, up to the time of the commencement of the city government, under this act, shall be settled by the town, as constituted by this act, and the amount of funds remaining, or debts due, as the case may be, shall be proportioned between the said town and city of Appleton, according to the amount of taxable property belonging to each, as taken from the last assessment roll, such settlement to be made with the city council, by the supervisors of said town. The debts due by the vil-

Committee of council to confer with supervisors relative to tax.

Further powers of committee.

Apportioning tax.

lage corporation of Appleton, shall be adjusted and paid by the city of Appleton, out of the general fund of said city. City to adjust debts of village

SEC. 13. Any justice of the peace of the town of Grand Chute, whose term of office shall not have expired at the time this act shall take effect, may hold or exercise the duties of his office for the residue of his term of office in the same manner as though this act had not been passed. Justices of the peace.

SEC. 14. The laws of this State for the relief and support of the poor in towns shall apply to said city, and the common council shall annually levy such tax as will be necessary to comply with the provisions of such laws. The aldermen of the different wards of said city being overseers of the poor in their respective wards. Poor.

SEC. 15. The superintendent of the schools shall perform all the duties and exercise the same powers within said city and be subject to the same liabilities as superintendents of schools in towns, except (what) [that] the bond required of said superintendent shall be filed with the city clerk, and except as otherwise provided in this act. Superintendent of schools.

SEC. 16. Section twelve of this chapter shall be so construed as not to apply to the construction of new bridges across Fox River, in said city, but the expenses of building such bridges shall be paid by the city and town of Grand Chute, jointly, each paying in the same proportions upon their assessment rolls, [the same] as though said town and city were not divided; and all bonds now issued or which may hereafter be issued by the board of supervisors of said town, before the first election under this charter, shall be paid when due, both principal and interest, by the said town and city, in proportion to the valuation of their respective taxable property, or for their respective assessment rolls, the same as though said town and city were not divided, and all other sum or sums of money required to complete the construction or repair of the bridge or bridges across Fox River, in said city, now owned and controlled by the town of Grand Chute, may be issued and paid, either by the supervisors of said town, previous the first election under this act, or by the town or city, after such election; and in either case, such money shall be paid when due, by the said town and Bridges. Bonds. Town and city hold joint interest in construction of bridges, &c.

city, equally, in proportion to their respective amount of taxable property (or) [as] by their respective rolls; and in case either pay more than their just and equal proportion, the other party shall be liable for the same, in an action on the case, brought by the party so paying for the same.

Principal and interest on bonds—how paid.

SEC. 17. All principal and interest upon all bonds for railroad stock, which have heretofore been issued, or may be issued prior to the first day of March, 1857, by the town of Grand Chute, shall be paid when the same, or any portion of the same shall fall due, by the city of Appleton and town of Grand Chute, in the same proportion as if said town and city were not dissolved, such proportions to be ascertained in the same manner as provided in section sixteen of this chapter; and in case either town or city shall pay more than their just and equal portion of the same, at any time, the other party shall be liable therefor, in the same manner as provided in section sixteen of this chapter.

Corporate seal.

SEC. 18. The corporate seal of the village of Appleton shall be recognized as the corporate seal of said city, until such time as the common council may order a substitute.

May subscribe for stock and issue bonds for railroad purposes.

SEC. 19. The mayor and common council of the city of Appleton are hereby authorized to subscribe stock in behalf of said city, and issue corporate bonds or loan the corporate credit to aid in the construction of railroads to, through, or from said city, to an amount not exceeding in the aggregate five hundred thousand dollars, upon such terms and conditions as may be mutually agreed upon by and between them and the several railroad companies in which such stock may be subscribed, or to whom such credit may be loaned, if not inconsistent with the general laws of the State relative thereto; *Provided*, That such bonds or credit shall not be given for a less period than twenty years, nor a greater period than thirty years; and that the interest thereupon, which shall in no case exceed eight per centum per annum, shall in all cases be guaranteed and paid by the several railroad corporations to whom issued; and in consideration thereof, the city shall have no claim to any dividends in such roads until the bonds are matured and paid; *And, provided further*, That no bonds shall be issued to any railroad company either as a loan of credit, or in payment of stock sub-

Proviso.

Proviso.

scriptions, until the question of issuing the same shall have been submitted to a vote of the qualified electors of said city, of which election at least three weeks previous notice shall be given, by publication in all the newspapers printed in Appleton, and sanctioned by the affirmative vote of a majority of the electors voting thereon.

Act may be amended.

SEC. 20. This act may be altered or amended by the legislature of this State.

Public act.

SEC. 21. This act shall be considered a public act, and shall be construed favorably in courts and places.

SEC. 22. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 133.

An Act to consolidate and amend the act to incorporate the City of Kenosha, and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER 1.

City and Ward Boundaries.

Charter may be amended.

SECTION 1. The district of country in the county of Kenosha and State of Wisconsin, known and described as follows, to wit: the south east quarter of section thirty, fractional section thirty-two, the east half of section thirty-one, the south-east quarter of the north-west quarter, and the east half of the south-west quarter of section thirty-one, in town two, the north-east quarter and the north-east quarter of the north-west quarter of section six, and the north half of fractional section five in town one, all in range twenty-three, east, together with that part of lake Michigan due east of the same, within one fourth of a mile thereof, shall be a city by the name of Kenosha.

Boundaries of city.

Style of city and powers.

SEC. 2. The inhabitants of said city shall be a corporation by the name of the "City of Kenosha," and by that name may sue and be sued, complain and defend, in any court, contract and be contracted with, make and use a common seal and alter it at pleasure, and take, hold and purchase, lease and convey such real and personal estate as the purposes of the corporation may require, within or without the limits of said city, and shall otherwise possess the general powers of municipal corporations at common law.

Divided into three wards.

SEC. 3. The city of Kenosha shall be divided into three wards, as follows: All that part of said city described as follows: commencing on the lake shore on the south line of Wisconsin State, thence west on said line to the east line of West Main street, thence to the south-east corner of Durkee's western addition, thence west along the south line of said addition and the south line of block five of Fisk's first addition to the west line of said block five, thence west to the west line of said city, thence north on the south line of Grand street, extended thence east on the south line of said street to the centre of the creek, thence along the centre of the creek to the mouth of the harbor, thence east to the east line of the city, thence south to a point due east of the place of beginning, thence west to the place of beginning, shall constitute the first ward of the city. That part of said city lying north of the "first ward," shall constitute the "second ward" of said city. That part of said city lying south of the first ward, shall constitute the "third ward" of the city.

First ward.

Second and third wards.

CHAPTER II.

City Officers—Their Qualifications and Terms of Office

Municipal government.

SECTION 1. The municipal government of the city, shall consist of a common council, composed of a mayor, and two aldermen from each ward.

Officers of city—elective.

SEC. 2. A mayor, a treasurer, a clerk, a railroad commissioner, superintendent of common schools, an assessor, a marshal and one justice of the peace, for the city at large; and one alderman, one school commissioner, and one constable, for each ward, shall be elected annually by the people.

Officers—appointed.

SEC. 3. A city attorney, harbor master, poor master, city physician, chief engineer of the fire department, surveyor, a chief of police, and one or more street supervisors, and fire wardens, inspectors, sextons, and all such other officers as may be deemed necessary for the proper management of the affairs of said city, may be appointed by the common council, which officers shall hold their offices, severally, during the pleasure of the council, and at such compensation as the council shall prescribe.

Persons eligible to office.

SEC. 4. None but electors of said city shall be eligible to, or qualified to hold, any elective office created by this act.

Term of office.

SEC. 5. The mayor, clerk, railroad commissioner, superintendent of schools, assessor and marshal, shall hold their offices respectively, for the term of one year, and until their successors are elected and qualified; the aldermen and school commissioners shall hold their offices respectively, for the term of two years, or until their successors shall be elected and qualified; *Provided*, That officers elected to fill vacancies shall respectively hold for the unexpired term only, or until their successors shall be elected and qualified.

Proviso.

Aldermen, school commissioners, &c.—term of office, &c.

SEC. 6. The aldermen, school commissioners and the justices of the peace, elected at the next annual election, shall be successors to the present aldermen, school commissioners and justices of the peace, respectively, whose terms of office expire at that time; the aldermen, school commissioners and justices of the peace, elected one year thereafter, respectively, shall be successors of those aldermen and school commissioners, and of that justice of the peace, whose term of office expire one year after the next election.

Officers removing from ward vacates office.

SEC. 7. If any officers elected exclusively by any ward, shall remove from such ward, or if any officer of such city shall die, resign, refuse to act, or remove from the city, his office shall thereby become vacant.

Filling vacancies.

SEC. 8. Whenever any vacancy shall occur, of any elective office, such vacancy shall be filled by special election.

Ward supervisor.

SEC. 9. There shall be chosen by the electors of each ward, at the annual election of said city, one supervisor for each ward, to represent such ward in the county board of supervisors, and said supervisors so chosen, are hereby empowered to sit in the county board of

supervisors, with the same rights and powers as are, or may be, by law prescribed for, and exercised by other members of said board.

CHAPTER III.

Of Elections.

Annual elections.

SECTION 1. An election shall be held, in the several wards of said city, on the first Tuesday in April in each year, at such place in each ward, as shall be designated by the council, for the choice of the city and ward officers, authorized by this act, to be elected annually by the people, and of the time and place of such election, ten days previous public notice shall be given, in such manner as the common council may determine.

Special elections.

SEC. 2. Special elections, for the purposes provided for in this act, may be held on any day, and on the hours of any day designated by the common council, but otherwise shall be conducted, and the result thereof canvassed, certified and returned, in all respects as near as practicable, in like manner as the annual election for city and ward officers, except that returns for special elections need not be made to the clerk of the board of supervisors.

Plurality to elect.

SEC. 3. At any election in said city, a plurality of all the votes cast in the city, for any person for any city office, and a plurality of all the votes cast in any ward for any person, for any officer of such ward, shall constitute an election.

Tie vote—how decided.

SEC. 4. When two or more persons shall receive an equal number of votes for the same office, the election as to such office, shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as it shall direct.

Persons deemed qualified to vote.

SEC. 5. Every qualified elector for member of the legislature of this State, who resides within the ward where he may offer his vote, shall be deemed a qualified voter of said city, and shall be entitled to vote in the ward in which he resides, for any officer in the city required by this act to be elected; *Provided*, That no elector shall be deemed a resident of any ward, unless he shall have lodged in such ward for twenty days next preceding such election.

Aldermen to be inspectors.

SEC. 6. All elections in said city, shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the annual oaths or affirmations, as prescribed by the general laws of *this* State, to be taken by the judges and inspectors of election, and they shall have the power to appoint clerks of such elections, and to administer to them the necessary oaths.

Manner of conducting elections.

SEC. 7. The manner of conducting elections held under this act and of contesting the same, the keeping of the poll lists, canvassing the votes and certifying the returns, except as otherwise provided in this act, shall be the same as nearly as practicable as is now provided by law for general State elections.

Persons challenged.

SEC. 8. If any person offering to vote at any city election shall be challenged by an elector of the ward in which such vote is offered, before receiving the vote of such person, one of the inspectors shall require him to take the following oath: "You do solemnly swear, (or affirm) that you are twenty-one years of age; that you are a citizen of the United States, (or have declared your intention to become such, conformabl(e) [y] to the laws of the United States, on the subject of naturalization,) that you have resided in this State one year; that you are now a resident of this ward and have lodged therein for twenty days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering to vote shall take such oath his vote shall be received.

Oath.

Illegal voting.

SEC. 9. Any person who shall illegally vote at any election held under this act, shall be punished according to the laws of this State for illegal voting.

Counting and making return of votes.

SEC. 10. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the city clerk within three days after the election, and thereupon the common council shall meet and canvass the same, and declare the result of the election.

In case of failure to hold election, may elect at any other time.

SEC. 11. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or dissolving the said corporation; but such election may be held at any time thereafter by order of

the city council, of which time ten days public notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified or specified by any ordinance of said city, are not then done, the city council may appoint another time upon which the said duties may be performed.

CHAPTER IV.

Officers—their Powers and Duties.

Officer and oath of office. SECTION 1. Every person elected or appointed to any office under this act, shall before he enters upon the duties of his office, take and subscribe the [oath of] office, and file the same, duly certified, with the city clerk.

Bond of officer SEC. 2. The treasurer, clerk, marshal, railroad commissioner, constables, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Kenosha a bond, with at least two sureties, to be approved by the common council; and said bond shall contain such penal sums and such conditions as the council may deem proper; and the council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

President of board. SEC. 3. The members of the city council shall, on the first Monday after such annual election, or so soon thereafter as may be practicable, elect from their own body a president, to preside in their meetings in the absence of the mayor.

In case of vacancy in office of mayor, &c. SEC. 4. In case of the vancy of the office of mayor, or of his being unable to perform the duties of his office by reason of absence, sickness, or any other cause, the president of the city council shall be vested with all the powers, and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy be filled by a new election.

In absence of mayor and president, &c. SEC. 5. In case of absence or inability of both the mayor and president of the city council, a president pro tem. shall be elected, and for the time being shall discharge the duties of mayor.

Mayor's duties SEC. 6. The mayor shall preside at all meetings of the city council, when present, he shall be the chief executive officer, and head of the police of the city.

It shall be his duty to recommend in writing to the city council such measures as he may deem expedient. He shall sign all commissions, licenses and permits which may be granted by the city council. He shall maintain peace and good order, and see that the laws of the State and ordinances of the city are observed and executed; shall be entitled to vote upon all questions before the council, when present, and shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds, and other instruments in writing; as a judicial officer, he shall have all the power, and exercise the jurisdiction of justices of the peace in the State, by giving the bonds required by law and in case of riot or other public disturbance, he may appoint as many special or temporary constables as he may deem proper.

Treasurer—his duty.

SEC. 7. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account of all receipts and expenditures in such manner as the council shall direct. He shall pay no money from the treasury except upon the order of the council, signed by the mayor and countersigned by the clerk, which order shall specify the amount of money to be drawn and the object of the appropriation, and such orders shall not bear interest, except by special vote of the city council. He shall as often as once in three months, and as much oftener as the council may require, return all such orders paid by him, with a list thereof, which list shall specify the sums paid upon each order, and the purposes for which appropriated. He shall report to the common council once in three months, and oftener if required, a statement of the condition of the treasury and the several funds thereof, one of which statements shall be made within fifteen days of every annual election.

Clerk—his duties.

SEC. 8. The clerk shall keep the corporate seal, and all papers and records of the city. He shall attend all meetings of the council, and keep a record of the proceedings. He shall draw and countersign all orders on the treasury, or for sums duly appropriated by the council, and shall keep the stubs of such orders. He shall further keep full an accurate accounts of all sums so appropriated, which accounts shall specify the purposes of such appropriations, in books provided for that purpose. He shall record all orders

and ordinances adopted by the council in a book kept exclusively for that purpose, and perform such other duties pertaining to his office, as are prescribed for town clerks, by the general laws of the State, or the common council may direct. He shall have power to administer oaths and affirmations; and copies of all papers filed in his office, and transcripts from the records thereof, certified to by him, under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced.

Marshal—his duties.

SEC. 9. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and for the collection of license moneys and funds. He shall possess the power of constable, by the laws of this State, and shall receive like fees.

Peace officers.

SEC. 10. The mayor or acting mayor, each and every alderman, marshal, each and every justice of the peace, and constable of the city of Kenosha, or any other person or persons appointed by the council, for such purpose, shall be officers of the peace, and may command the peace, and suppress, in a summary manner, all rioting and disorderly behavior, in a manner consistent with the ordinances of said city, within the limits thereof, and for such purposes, may command the assistance of all by-standers, and if need be, of all citizens and military companies, and if any person, by-stander, military officer, or private of such company, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council, in such cases provided; and in all cases, when the civil power may be required, to suppress rioters or disorderly behavior, the superior or senior officer present at the order, mentioned in this section, shall direct the proceedings.

Council may require further duties of officers.

SEC. 11. The common council shall have power to require further and other duties of all officers whose duties are herein prescribed, and to prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned; to fix the compensation of all such officers, and to impose penalties for non-performance or neglect in the discharge of any duties imposed by the ordinance, or by this act.

No alderman to be interested in contracts.

SEC. 12. No alderman shall be a party to, or interested in any contract with the city, without the expressed unanimous consent of the council.

Justices of the peace—duties.

SEC. 13. The justices of peace of said city, shall as often as once in six months, report to the city council a list of all proceedings instituted before them, in behalf of the city, or under its ordinances, with the disposition thereof, and shall at the same time account for any over the amount of all penalties and costs collected by them, as the result of such proceedings.

Compensation of mayor and aldermen.

SEC. 14. The compensation of the mayor or any alderman shall not exceed one dollar and fifty cents for each session of the council, unless for specific services otherwise performed; and in such case, such compensation shall not exceed two dollars per day.

Refusal or neglect to deliver papers, &c. to successors.

SEC. 15. If any person having been an officer of said city shall not within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; said penalty to be recovered before any court of competent jurisdiction, in the same manner as penalties for the violation of city ordinances are collected.

CHAPTER V.

Of the Common Council—its Powers and Duties.

Quorum, and power.

SECTION 1. A majority of the members of the common council shall constitute a quorum, who shall have power to compel the attendance of (absence) [absent] members.

Stated and special meetings.

SEC. 2. The council shall hold stated meetings at such times and places as it may appoint. The mayor may call special meetings by notice to each of the aldermen.

Council—power.

SEC. 3. The council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members.

Style of ordinances.

SEC. 4. The style of all ordinances adopted by the council shall be—"Be it ordained by the common council of the city of Kenosha."

Council to control finances, &c.

SEC. 5. The common council shall have the management and control of the finances, and of all other property, real, personal and mixed, belonging to the corporation, shall settle all claims and demands against the city, settle with the treasurer annually, and make out and publish accounts of the receipts and expenditures of the city annually for the information of the citizens.

Laws, ordinances, &c.—how paid.

SEC. 6. Any laws, ordinance, order, regulations and by-laws, imposing any fine, penalty or forfeiture, shall be passed by an affirmative vote of a majority of the common council, signed by the mayor, and published in one or more newspapers of the city, before the same shall be in force; and all such laws, ordinances, orders, regulations and by-laws, so published, shall be recorded immediately after such publication, together with an affidavit of such publication, which affidavit shall be made by the printer, publisher or officer or agent of the newspaper in which the publication was made, and such affidavit, so recorded, shall, at all times, be deemed sufficient evidence of such publication.

Further power of council.

SEC. 7. The common council shall have full power and authority to make, enact, ordain, establish, publish, [prescribe,] enforce, alter, modify, amend and repeal by such ordinances, rules and by-laws for the government and good order of the city, for the protection of property, for the suppression of vice, for the prevention and punishment of crime, for the benefit of the common trade and health of the city as they shall deem expedient; it shall also have power to declare and impose penalties, and to enforce the same by fine or imprisonment, or in any other manner they may provide against any person or persons, who may violate any of the provisions of any such ordinance, rule or by-law, and all such ordinances, rules and by-laws, are hereby declared to be, and to have the force of law.

Corporate powers.

SEC. 8. Besides others in this act granted to the common council of the city of Kenosha, said council shall have power by ordinance, order or resolutions,

License shows.

1st. To license and regulate auctions, the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, concerts or theatrical performances, and to restrain and prohibit any person from vending or

dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council;

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purpose of gaming in said city; Gaming.

3d. To prevent any riots, noise, disturbance, or disorderly assemblage, suppress and restrain disorderly houses or groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, shows and exhibitions, to authorize the destruction of all instruments or devices used for the purposes of gaming, and to abate nuisances; Riots, &c.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city; Nuisances.

5th. To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gunpowder and regulate the storage and keeping and conveying of gunpowder, or other combustible materials; Slaughter houses, &c.

6th. To prevent the encumbering of the streets, side walks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, sleds, boxes, timber, firewood or other material or substance whatever; Streets and side walks.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city; Horse racing.

8th. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same; Cattle, &c., at large.

9th. To prevent the running at large of dogs, and to authorize their destruction in a summary manner when at large, contrary to the ordinances, or to impose a tax on the same; Dogs, at large.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcass, or any unwholesome substances, and to require the removal of the same, by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skin of any kind, and in Putrid substances.

default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons;

Public pounds &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of said city, or any ward therein; to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, carmen and draymen within the limits of the city;

Boards of health.

12th. To establish and regulate boards of health, provide hospitals, poor-houses and cemetery grounds, and regulate the burial of the dead;

Bridges.

13th. To regulate the building of bridges, and provide for the security and protection of the same;

Driving in side walks.

14th. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said city, or in any way doing damage to such side walks;

Shooting fire-arms, &c.

15th. To prevent the shooting of fire-arms or crackers, except by special provision of the common council, and to prevent the exhibition of any fireworks in every situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any citizen thereof;

Drunkenness.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and provide for removing and punishing any person or persons who may be guilty of the same;

Police.

17th. To appoint policemen, watchmen and firemen, prescribe their duties and punish their delinquencies;

Public markets.

18th. To establish public markets, and make rules and regulations for the government of the same; appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations;

Weighing hay and fuel.

19th. To regulate the place and manner of weighing and selling hay, of measuring and selling fuel, fish, lime, and other articles, and to appoint suitable persons to superintend, conduct or inspect the same;

To remove dirt and rubbish.

20th. To compel the owner or occupant of any building or ground, to remove the snow, dirt or rubbish, from the side walks, street or alley opposite thereto, and to compel such owner or occupant, to remove from the lot owned or occupied by him, all such substances as

the city shall direct, and in his default, to authorize the removal or destruction thereof, by some suitable officer, at the expense of such owner or occupant;

Licenses. 21st. To authorize the mayor or other proper officer of the city, to grant and issue licenses, and direct the manner, issuing and registering thereof, and the fees to be paid therefor;

Railroads, &c. 22d. To regulate the use of locomotive engines, and direct and control the location of railroad tracks and depot grounds within the city;

Ornamental trees. 23d. To direct and regulate the planting and preserving ornamental trees in the streets and public grounds;

Docks and wharves. 24th. To establish harbor and dock limits, and regulate the locality and manner of constructing of wharves and docks, along the banks of Pike Creek, within the limits of said city;

To lease docks, &c. 25th. To lease the wharfing privileges of Pike Creek or of the harbor, within the limits of said city, at the ends of streets, upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rents as may be agreed, and employing such remedies, in case of non-performance of any covenants in any such lease, as are given by law in other cases;

Public buildings. 26th. To erect or purchase such public buildings as may be necessary for public use, and to build, regulate and lease dredges, scows, wharves, docks or piers, on the harbor, or at the ends of the streets or alleys;

Harbor—protection of same. 27th. To prevent and remove all obstructions within, or encroachments upon, the harbor, and otherwise improve and protect it by dredging, piering, widening, deepening or straightening the same, and to prescribe such regulations for the government of boats or vessels, entering, leaving or lying in the same, as may be deemed necessary for the public good;

City to have use of jail. 28th. To use the jail of Kenosha county, for the imprisonment of offenders against the ordinances, rules or by-laws, and all persons so imprisoned, shall be in the custody of the sheriff of the county, and their expenses shall be paid in the same manner as the expenses of the persons imprisoned under the general laws of the State.

Council to cause plat of city to be made. SEC. 9. The common council shall, within six months from the passage of this act, cause an accurate plot of said city to be made, which plot shall contain and

specify the boundaries of all streets, alleys, public grounds, and of all lots, blocks and out lots, with the numbers, and other lands in said city; and said plat, when approved by the council and certified by the mayor and clerk, shall be recorded, and be legal evidence of all the boundaries and numbers thereon, in all courts and places.

CHAPTER VI.

Of Taxation.

Tax.

SECTION 1. For the purpose of meeting any expenditure, authorized by the city council, under the provisions of this act or ordinance of said city, or to defray the current expenses of said city, the city council shall have power to levy and collect, annually, a tax on all such real and personal property or capital of any kind, within said city, subject to taxation by the laws for levying the taxes of this State, for the time being, and the money so raised, shall constitute the general fund.

School tax.

SEC. 2. The common council shall annually levy and collect a school tax on all real and personal estate, to meet the expenses of purchasing grounds for school purposes, for the building and repairing school houses, and for the support and maintainance of schools.

Tax to pay city debt.

SEC. 3. The common council shall have power annually, or more frequently, to levy and collect a tax on all the lots and land in said city, not including any improvements thereon, to pay the bonded debt of the city, or the interest thereon, and shall have power to issue new bonds, when necessary, to meet such indebtedness, for such time and at such rates of interest, as they may deem expedient: But bonds shall be issued for no other purpose than to meet such indebtedness, except as hereinafter provided.

Issue bonds.

Special taxes.

SEC. 4. For any purpose, aside from what is otherwise specifically provided for in this charter, the common council shall have power to levy and collect special taxes, in the same manner that other taxes are levied and collected, and such special taxes may be levied upon such real or personal estate in the city, as the council may determine; or the common council may borrow, on the corporate credit of the city,

any sum of money, for any term of time, at any rate of interest, and payable at any place deemed expedient, issuing bonds or script therefor; *Provided*, That no such tax shall be levied, or money borrowed, except as shall be provided by ordinance, which ordinance shall in each case specify the amount of such tax or loan, and all other essential particulars relating thereto, and be approved by a majority of the voters of the city, possessed of a freehold estate, or occupying lots upon which they pay the taxes, voting at a special election, which may be called for that purpose. Proviso.

SEC. 5. There shall be two days work performed annually, on highways, streets and alleys, by each male person, who by the laws of the State, is subject to perform highway work; such person to perform such labor within the ward where he resides, under the direction of the alderman of the ward, or of such street commissioners or supervisors as the city council may appoint, but any such person, may at his option, pay at a rate of seventy-five cents per day, for every day he may be so bound to labor, and in default of the payment of such money, or the performance of such labor, any street commissioner or supervisor may sue for and collect such money, by an action of, in the name of the city of Kenosha, with fifty per cent. damages on the same, together with costs of suit before the mayor of the city, or any justice of the peace, and in all such cases, the process shall be by warrant, and no stay of execution upon any judgment rendered on such suit, shall be taken or allowed. Poll tax.

SEC. 6. The property exempt from taxation by the laws of this State, or of the United States, shall not be subject to taxation for the support of the city government or for the payment of its debts and liabilities. Property exempt from tax.

SEC. 7. The council shall by ordinance prescribe the time on which highway taxes may be levied and collected and returns thereof be made by the street commissioners or supervisors. To prescribe time of levying tax.

CHAPTER VII.

Of power to lay out Highways and Public Grounds.

SECTION 1. The common council shall have power to lay out public grounds, streets, and alleys, and to alter, Public grounds.

widen, contract, straighten and vacate the same; and all streets and alleys laid out by the council shall be highways.

Commissioners to determine on public grounds, and assess damages

SEC. 2. Within twenty days after the presentation to the common council of any petition of any persons interested to lay out any highway or public ground; the common council may choose by ballot two disinterested freeholders residing in said city as commissioners to ascertain and determine:

1st. The necessity of taking any private property for laying out such highway or public ground petitioned for;

2d. The damages and recompense due the owners respectively, of any such private property necessary to be taken;

3d. What persons will be benefited by such improvements, and to assess the damages and expenses of such improvement on the real estate of persons so benefited in proportion as nearly as may be to the benefits resulting to each.

Notice by commissioners to parties interested.

SEC. 3. The said commissioners not less than ten days before they shall proceed to the discharge of their duties as provided in the preceeding section, shall cause notice to be given to all persons interested or to the agents of such persons either personally or by written information left at the residence of any such person, of the time when and place where they will meet for the purpose of determining the necessity of taking any private property for the public use and for awarding damages therefor as aforesaid, or in case any such interested person shall be unknown or non-resident, and have no agent in the city, notice of such meeting may be given to all such persons by publication in one of the newspapers in the city, for such time as the commissioners may deem sufficient.

Oath of commissioners.

SEC. 4. The commissioners aforesaid shall be sworn faithfully to execute their duties according to the best of their ability; they shall view the premises, and, if necessary, may administer oaths to witnesses, receive any legal evidence, and may adjourn from day to day.

Returns of commissioners.

SEC. 5. Within twenty days after their appointment, said commissioners shall make returns to the council under their hands, of the amount of benefits, damages and expenses assessed by them, with a description of the property assessed, and the proportion of such assessment for each lot.

SEC. 6. When such return has been made as provided in the preceding section, the city clerk shall cause notice to be given to all interested persons, or the agents of such persons, of the award of the commissioners, which notice shall either be personal or by written information left at the residence of any such interested persons, except in cases of unknown or non-resident persons, without agents residing in the city, so interested, in which case such notice shall be given by publication for one or more weeks in some newspaper published in the city; and such notice shall state that on or after a day specified therein, said day to be fixed by the common council, to be not less than ten days from the date of such notice, the award of the commissioners will be confirmed by the council, unless objections to the same are made to the common council in writing by some person interested, previous to or on such day specified.

City clerk to notice parties of award of commissioners.

SEC. 7. If no objections are made as provided in the preceding section, to the confirmation of the award of the commissioners, the consent of any party or parties interested shall be deemed given, and any further or other proceedings on the part of any party or parties interested, shall be deemed waived, and the council shall proceed to confirm such award by a final order; and when such award is so confirmed, the assessment made (therein) [thereon] shall be a lien on the property assessed, and be collected and made payable in the same manner as annual taxes are collected and made payable.

If no objection is raised council shall confirm report.

SEC. 8. The council shall have power, at any time during the proceedings herein provided for, to remove any commissioner, and to appoint others in place of such as may be removed, refuse or neglect, or be unable from any cause to serve.

Council may remove any commissioner.

SEC. 9. The land required to be taken for laying out any public ground, street or alley, shall not be appropriated for such purpose until the damages awarded therefor, to any owner thereof, shall be paid or tendered to such owner or his agent, or when such owner or agent cannot conveniently be found, be deposited with the treasurer, for the benefit of such owner.

Damages must be paid before land is taken.

SEC. 10. If the lands necessary, in any case, to be taken, as hereinbefore provided, belong to different persons, or be subject to lease or contract, for convey-

When land belongs to different parties.

ance thereof, duly recorded, the injury done to any person in any manner so interested, respectively, may be awarded by the commissioners, less the benefit resulting to them, respectively, from the proposed improvement.

When parties may appeal.

SEC. 11. Whenever any final order has been made for taking any private property for public use, as hereinbefore provided, without the consent of the owner thereof, as hereinbefore provided, or whenever any person shall claim greater damages than shall be awarded by the commissioners, for property so taken, and shall not waive his right to further and other proceedings, as hereinbefore provided, such owner or owners, may appeal from any final order of the council, for opening or widening any street, alley or public ground, to the circuit of Kenosha county, by filing notice of such appeal with the city clerk, at any time within two weeks after the passage of such final order by the council.

Clerks duty in cases of appeal.

SEC. 12. Whenever notice of appeal shall be filed with the city clerk, as provided in the preceding section, the clerk shall, within ten days thereafter, return to the clerk of the circuit court of Kenosha county, the name of the party filing such notice, together with a copy of the award of the commissioners and of the order of the council relating thereto; and on the trial of such suit, the city shall be plaintiff, and the appellant shall be defendant, and otherwise said suit shall be subject to the same rules and regulations as other appealed cases; on the trial of such appeal, the jury

Trial of appeal.

shall find, as well the necessity of taking such land for the uses aforesaid, as the amount of compensation to be paid to said appellant for taking the same, and the court, upon verdict rendered therein, shall have power to confirm or annul the order of the common council appealed from, according to the verdict of the jury, and may give judgment, vesting in the city for the uses aforesaid, the property described in the award of the commissioners as belonging to the appellant, upon the payment by the city of the amount of damages found by the [jury]; and in case the appellant shall receive the same amount of damages by such suit as was awarded him by the commissioners aforesaid, or a less amount than was so awarded, he shall be adjudged to pay the

costs of suit; in all other cases the city shall pay the costs of suit.

Survey of streets, &c. widened.

SEC. 3. Whenever any public ground, street or alley, shall be laid out, widened, [constructed,] straightened, vacated or otherwise altered according to the provisions of this chapter, the common council shall cause an accurate survey and profile of every such alteration to be filed with the city clerk and recorded.

CHAPTER VIII.

Of Street Improvements.

Improvement of streets.

SEC. 1. The common council shall have power to cause any highway to be graded, leveled, graveled or paved, and to keep the same in repair.

Cross walks, sewers, &c.

SEC. 2. The common council shall have power to cause cross and side walks, main drains and sewers, and private drains to be constructed and laid, relaid, removed, cleansed or repaired, and to regulate the same.

Proceedings when majority of property holders petition for side walks, &c.

SEC. 3. Whenever a majority of all the owners of real estate bounding both sides of any street or part of a street, shall petition the common council to order such street or part of such street graded, leveled, graveled or paved, or to construct a sewer therein, or whenever the majority of all the owners of real estate bounding one side of any highway, shall petition the common council to cause side walks to be laid on the side of such highway bounded by such real estate, such petition may be granted, and ordinances made in pursuance thereof, which ordinances shall specify as nearly as may be, the locality and dimensions of the improvements proposed, and notice shall be given to all persons personally interested, or by publishing such order, and such ordinances as they may by ordinance direct, in some newspaper, published in the city.

Supervisor to cause the work to be done.

SEC. 4. Whenever any order shall have been made for grading, leveling, graveling or paving any highway or for building any side walk as herein provided, the street supervisor of the ward in which such work is ordered to be done, or such person as the council may designate, as street supervisor for that special purpose, shall immediately after the publication of such order, cause the same to be performed in the manner

as specified in such order, and under the direction of the aldermen of the ward in which such work is to be done, and when such work is completed, such supervisor or other person shall immediately thereafter return to the city clerk, an account in detail, of the expenses thereof.

Expense of improvements, how paid.

SEC. 5. The aggregate expense of all improvements provided for in any such order of the common council as hereinbefore provided in this chapter, shall be assessed by the common council on the lots lying upon or bounding the highway upon which such improvement is made according to the relative benefit accruing to such lot, and a tax shall be levied therefor upon said lots, and such tax shall become a lien upon the lots so levied upon, and shall be collected in like manner as other taxes levied under this act.

Owners may cause the work done

SEC. 6. It is hereby provided, if upon the publication of any order for any improvement as hereinbefore in this chapter provided, any owner of any lot or real estate liable to be taxed therefor under this act, may perform or cause to be performed at his own expense, such part of such work for such improvement under the direction of the supervisor, or other person appointed for such person, as may amount to the sum for which the lot or lots owned by him shall be liable to be assessed; and any statement, in writing, by the supervisor or other person appointed as such for the time being, that such work has been performed, shall exempt such lot or lots on behalf of which such work has been so performed from taxation for such improvement.

Council may make further regulations in regard to highways.

SEC. 7. The common council may make such further or other regulations for causing highways to be graded, leveled, graveled or cleaned, and to keep the same in repair; and for causing cross and side walks, main drains and sewers, or private drains, to be constructed, laid, re-laid, removed, cleaned and repaired as they may by ordinance ordain.

CHAPTER IX.

Of Assessments and Collection of Taxes.

To make assessment.

SECTION 1. Between the first day of May and the first day of August, in each year, (unless further time shall be granted by the common council,) the assessors

shall ascertain the name of all the taxable persons in the city, and also all their taxable property, and all taxable estate therein, on the first day of May of each year, and shall make an assessment roll of all such taxable property, and appraise the same, in the manner specified by the general laws of this State.

Publication of assessment roll and time of hearing parties aggrieved.

SEC. 2. When such assessment rolls shall be completed, the assessor shall give notice thereof, in some newspaper published in the city, in which notice he shall fix some convenient time and place, when he will be present, for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after such hearing, the assessor shall make such alterations or revisions in such assessment roll, as justice or equity may require.

Return of roll to council for equalization.

SEC. 3. Within two weeks after the day fixed by the assessor, for the revision of the assessment roll, as aforesaid, such assessor shall return such roll to the common council, which shall have power to supply omissions therein, and for the purpose of equalizing the same, may alter, add to, take from, or otherwise correct and revise the same; *Provided*, The common council shall not have power to increase the aggregate amount of said roll, except by the value of such property, real or personal, as may have been omitted by the assessor.

Proviso.

Confirming of roll by council.

SEC. 4. When the assessment roll shall have been revised and corrected or equalized by the common council, the same shall be confirmed by an order of the council, and filed with the clerk. Thereupon the common council, shall by resolution, levy such sum or sums of money, as may be sufficient for the several purposes for which taxes are herein authorized to be levied, which resolution shall specify the general purposes for which such sums are levied.

Taxes a lien on property.

SEC. 5. All taxes and assessments, general or special, levied or assessed by the common council, under this act, shall be a lien upon the real estate, upon which the same may be imposed, voted, or assessed, for two years from and after the corrected assessment roll shall have been confirmed, and on personal estate, from and after the delivery of the warrant, for the collection thereof, until paid, and no sale or transfer shall effect the lien, and any personal property belonging to the debtor, may be taken and sold for the payment of taxes,

of real or personal estate, any law of the State to the contrary notwithstanding.

Clerk to issue a warrant.

SEC. 6. The clerk shall issue a warrant for the taxes and shall attach such warrant to a book, in which book shall be ruled separate columns, in which the taxes levied with five per cent. for the cost of collection, shall be respectively set down opposite the name of the person or real estate subject thereto, and each column shall be headed with the name of the tax therein set down. All such warrants whether issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk with the corporate seal thereto affixed, and the book to which the same is attached to be designated as the tax lists, shall contain true and perfect copies of the corrected assessment rolls upon which such warrants may be respectively issued, and such tax list with the warrant affixed, shall be delivered to the treasurer of the city for collection each year, within such time as the council may prescribe, a record of such delivery in the book kept for the record of the proceedings of the common council, attested by the clerk, shall be sufficient evidence of such delivery.

Clerk to compare tax list before delivery to treasurer.

SEC. 7. But such tax list before being delivered to the treasurer, shall be compared by the clerk with the assessment roll as confirmed, and to it he shall append his certificate, that the same has been compared by him, and that such tax list includes a true copy of said assessment roll, and of the whole thereof; and the said tax list, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Treasurer's notice of collection.

SEC. 8. Upon the receipt of the tax list as aforesaid, it shall be the duty of the treasurer of said city to give public notice in some newspaper printed in said city that such tax list has been committed to him for the purpose of collecting the taxes therein, and that he will receive the payment of taxes at his office in said city, until the last Monday in February in each year, when the same will be returned to the county treasurer for collection; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

SEC. 9. Returns of all unpaid taxes for all purposes whatever in the city, shall annually be made by the city treasurer to the county treasurer, in the same manner as is or may be provided by statute in the case of unpaid town taxes; but the time of making such returns shall be governed by this act. Returns of unpaid taxes.

SEC. 10. The five per cent. for costs of collection annually returned by city treasurer upon unpaid taxes, shall be accounted for by the county treasurer, and repaid to the city when collected in the same manner that other taxes are accounted for and repaid; and no portion of such unpaid taxes or five per cent. thereon returned, or interest thereon when collected, shall be retained by the county treasurer either for his personal use or for the use of the county; but the fees allowed by law to the county treasurer for the collection of such unpaid taxes may be collected by such treasurer in addition to the whole sum returned. Account of the five per cent. costs.

SEC. 11. The assessor, clerk and treasurer elected under this act, shall severally have and possess the same powers and be subject to the same duties and liabilities as are or may be conferred or imposed upon such officers respectively by the laws of this State, except as otherwise specifically provided in this act, *Provided, however*, That the common council shall have power by ordinance to prescribe the powers of assessment rolls, and more fully define the duties and liabilities of said officers, and make such rules and regulations respecting them, as they may from time to time deem advisable. Powers of assessor, clerk and treasurer. Proviso.

SEC. 12. The compensation of the city treasurer shall not exceed a commission of two per cent. upon all moneys he shall receive, and two per cent. upon all moneys he shall pay out in his official capacity. Treasurer's compensation.

SEC. 13. No tax or assessment herein provided for, shall become invalid by reason of any mere informality on the part of any officer in the discharge of his duties as herein or by general laws prescribed, and in case any real or personal estate in said city, justly and legally liable to taxation in any one year, by reason of any such informality, or of any accident or other cause may have been or shall be legally discharged from the payment of any such just and equitable tax, whether for want of power to sell, give, or deed, or other reason, the city council may on sufficient and conclusive evidence of such fact, add the amount of such tax to the assessment Informalities do not impair tax.

roll of any succeeding year whereupon the same shall be collected on such real or personal estate in the same manner as other taxes, and in the same manner as if no such informality, accident or other cause had occurred.

CHAPTER X.

Of Fire Department.

To establish fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed, or repaired, without the permission of the common council, and to direct that all and any buildings within the prescribed limits, shall be made and constructed of fire proof materials.

To prevent dangerous construction of chimneys, &c.

SEC. 2. The common council shall also have power,

1st. To prevent the dangerous construction and condition of chimneys, fire places, hearth stones, stove pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or to be placed in a secure and safe condition, when considered dangerous;

2d. To prevent the deposit of ashes, and to regulate and prescribe the use of fire-works and fire-arms, in unsafe places;

3d. To require the inhabitants to provide fire buckets, and to regulate the use of them;

4th. To compel the owner or occupants of buildings, to have scuttles in the roofs and stair or ladders leading to them;

5th. To compel such persons as they may deem proper, to aid in the extinguishment of fires and in the preservation of property exposed to damage thereat;

6th. To appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition;

7th. And generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Fire engines.

SEC. 3. The common council may procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the

same, and provide engine houses and the buildings necessary for the preservation and safe keeping of the same.

Fire companies.

SEC. 4. The common council may organize fire, hose, and hook and ladder companies, and appoint, during pleasure, a competent number of firemen, to take the care and management of the engines and other apparatus, and implements used and provided for the extinguishment of fires, and may prescribe the duties of firemen, and make rules and regulations for their government, imposing reasonable fines and forfeitures for violating the same.

Chief and assistant engineers.

SEC. 5. The common council may prescribe the duties of chief and assistant engineers of the fire department, who shall have the care and management of such department.

Firemen.

SEC. 6. The firemen, appointed under this act, shall during their term of service as such, be exempt from serving on juries, in all courts of this State, and be exempt from working out any highway tax.

Names of firemen registered with city clerk.

SEC. 7. The name of such firemen shall be registered with the city clerk, and the evidence to entitle every such fireman, to the exemptions provided in the preceding section, shall be the certificate of the clerk, made within the year during which such exemption is claimed.

CHAPTER XI.

Of Board of Education.

School district.

SECTION 1. All that territory now lying within the corporate limits of the city of Kenosha, together with such territory as is hereinafter provided, shall constitute one school district, to be denominated the city of Kenosha public school district.

Territory annexed for school purposes.

SEC. 2. All that portion of territory lying in the town of Pleasant Prairie, adjoining the corporate limits of the city of Kenosha, and which is now annexed to the city of Kenosha, for school district purposes, shall continue to be so annexed for such purposes, and in like manner, all that portion of territory lying in the town of Somers, adjoining the city of Kenosha, and which is now annexed to the city of Kenosha, for school purposes, shall continue to be annexed for such purposes.

To fill vacancy

SEC. 3. The city council shall have power to fill any vacancy that may occur in the office of commissioner or superintendent of schools, and the person so appointed shall hold his office until the next ensuing election for such offices.

May remove school commissioner.

SEC. 4. Any school commissioner may be removed from office for official misconduct by the city council, by a vote of two-thirds of the members thereof; but such commissioner shall be granted a full and free hearing before being removed.

Board of education—their duty, &c.

SEC. 5. The commissioner of schools of said city, and the superintendent thereof, shall constitute a board of education, which board shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of this act; a majority of said board shall form a quorum for the transaction of business. At their first meeting after the annual election they shall elect one of their number president; and whenever the president shall be absent or unable to serve, a president *pro tem.* may be appointed. The superintendent of schools shall be clerk of the board of education, unless he shall be absent or unable to serve, in which case the board may appoint a clerk *pro tem.* No member of the board of education, except the clerk, shall be allowed any compensation for any services prescribed in this act. The clerk shall receive such compensation as may be agreed upon by the board.

Clerk—his duty.

SEC. 6. The clerk shall keep a record of the proceedings of said board of education, which record, or a transcript thereof, certified by the said clerk and president, shall be received in all courts as *prima facie* evidence of the facts therein set forth.

School tax for purposes specified.

SEC. 7. The city council shall have power, and it shall be their duty to raise on or before the first Monday of September in each year by tax on the real and personal estate in said district, such sum or sums as may be recommended by the board of education to be necessary or proper for any of the following purposes:

1st. To purchase, lease or improve sites for school houses.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out houses and appurtenances.

3d. To purchase, improve and repair school apparatus, books, furniture and appendages.

4th. To procure fuel and defray the contingent expenses of the schools and the district library.

5th. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose.

6th. To provide for the payment of any indebtedness which may have been lawfully incurred by said district.

Debts contracted by district board.

SEC. 8. All debts and liabilities legally incurred or contracts legally entered into heretofore, by the district board of district number one of the city of Kenosha, shall be assumed and carried out by the board of education, the same as the said district board would have been required to do, had this act not have been passed. The city council shall cause the taxes provided for in this act, to be levied and collected annually on all such real and personal property or capital of any kind, within the limits of said district as is subject to taxation by the laws of this State for general purposes, and said taxes shall be collected in the same manner as the annual taxes of said city are levied and collected.

City treasurer to have charge of moneys raised for school purposes.

SEC. 9. All moneys raised in pursuance of the provisions of this act, shall be paid into the city treasury; and it shall be the duty of the treasurer of said city to apply for, and receive from, the county treasurer, all moneys that may come into the hands of said county treasurer from the State school fund, apportioned to said district, and also all moneys that may come into the said county treasurer's hand from other sources, for school purposes and belonging to said district; and the said treasurer shall be liable to the same penalties for any official misconduct in relation to any school moneys which may come into his hands in like manner, as for moneys belonging to the city of Kenosha. The said city treasurer shall be allowed not exceeding one-half of one per cent. for receiving and distributing the moneys which may come into his hand from the State school fund apportioned for said district.

On what order treasurer shall pay said money.

SEC. 10. The city treasurer shall not pay out any of the moneys in his hands, received from the State or county for school purposes, or any moneys leased and collected by any of the provisions of this act, except by an order drawn upon him, signed by the president and clerk of said board; *Provided*, That no such order shall be drawn except by a resolution of said board.

Powers of board of education.

SEC. 11. The board of education shall have power and it shall be their duty, as follows:

1st. To establish and organize such, and so many, schools in said city, in addition to the schools now established therein, as they shall deem necessary;

2d. To purchase or hire school houses, rooms and lots or sites for school houses, and to fence and improve the same;

3d. Upon such lots or sites, and upon any lots now occupied for school purposes, to build, enlarge, alter and improve and repair school houses, out houses and appurtenances, as they may deem necessary and proper;

4th. To purchase books for indigent children; to purchase and repair school apparatus, furniture and appendages; to provide fuel for the schools, and to defray their contingent expenses and the expenses of the district library;

5th. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto, are enforced;

6th. To contract with, and employ all teachers in the schools, who shall have been licensed by the superintendent of schools, and to remove such teachers, when they shall deem it necessary;

7th. To pay the wages of teachers, out of the school moneys which shall have been apportioned to, or received by the said city, so far as the same shall be sufficient, and the residue thereof, from any moneys authorized to be raised for that purpose, by the provisions of this act;

8th. To adopt, alter, modify, and repeal, from time to time, as they may deem expedient, such rules and regulations, for the organization, government and instruction of the schools, as they may deem necessary; to regulate the reception of pupils, their graduation into classes, and the transfer of pupils from one school into another, and generally to promote the good order and welfare of the schools;

9th. To prepare and report to the city council, such ordinances and regulations, as may be necessary for the protection, safe keeping, care and preservation of school houses, lots, fences, shade trees, and other appurtenances, and all property connected with, and appertaining

to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; to determine and certify to the city council, on or before the first Monday of August in each year, the sum, in their opinion, necessary to be raised for school purposes, under the provisions of this act, specifying the sum required for each of the purposes therein mentioned.

May allow children not resident of district to attend school.

SEC. 12. The said board of education shall have power to allow the children of persons, not resident within the district, to attend the schools in said city, which are under the control of said board, upon such terms as the said board shall by resolution prescribe, fixing the tuition that shall be paid for such attendance.

Care of district library and disbursement of moneys.

SEC. 13. The said board shall have care and direction of the school district library, and they shall have the power to disburse any moneys appropriated by any laws of this State for school libraries. It shall be their duty to provide a library room and appoint a librarian, and make regulations in respect to such library as they shall deem expedient; they may also remove from such library all such books as they may deem of an improper character to be read by the children of the district.

Report of board of education.

SEC. 14. It shall be the duty of said board of education, at least fifteen days before the annual election, on the first Tuesday of April, to prepare and report to the city council a true and correct statement of the receipts and disbursements under and in pursuance of the provisions of this act during the preceding year, in which statement shall be mentioned under the appropriate heads, as follows:

1st. The amount of school moneys received from the State school fund.

2d. The amount of money received arising from the county taxes for school purposes.

3d. The amount of moneys received from school district taxes levied for school purposes.

4th. All other moneys received by the city treasurer for school purposes, specifying the sources.

5th. The manner in which the moneys drawn from the treasury for school purposes have been expended, specifying the amount paid for each expenditure under appropriate heads.

Subject to rules of state

SEC. 15. The said board of education shall be subject from time to time to the rules and regulations

superintendent. made by the state superintendent of schools, so far as the same may be applicable, and not inconsistent with the provisions of this act.

City superintendent to examine teachers. SEC. 16. The city superintendent shall examine all teachers making application to teach in the public schools of said city, which examinations shall be made in presence of the board of education, if desired by said board; all certificates granted by said superintendent shall be in form as prescribed by the state superintendent. The city superintendent shall visit schools at least twice during each term, and report their condition to the board of education, with such suggestion for their improvement as he may deem proper, immediately after the close of each term. He shall also make such suggestions to the said board as he may deem necessary for improving and repairing school houses, grounds, fences and appurtenances thereunto belonging. The amount of the superintendent's compensation shall be determined by the board of education.

To visit school and suggest improvements.

City superintendent to make annual report to clerk of board of supervisors. SEC. 17. The city superintendent shall, between the first and fifteenth days of October in each year, make and transmit to the clerk of the board of supervisors, a report in writing, bearing date the first day of October, in the year of its transaction, which report shall in form be such as is now required by law to be made annually by town superintendents of schools, and transmitted to the said clerk.

City council may pass necessary ordinances, &c. for protection of school houses, &c. SEC. 18. The city council shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of the school houses, lots, appurtenances and all property belonging to or appertaining to the schools, and also to impose proper penalties for the violation thereof; all such penalties shall be collected in the same manner as other moneys raised pursuant to the provisions of this act.

Title to school houses, &c. vested in city. SEC. 19. The title to all school houses, lots, furniture, books, apparatus and appurtenances, shall be vested in the city of Kenosha, and the same, while used and appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, for the payment of any debt contracted or liability incurred, except for school purposes, nor shall the same be

subject to taxation for any purpose whatever, and the said city in its corporate capacity shall have power to take, hold and dispose of any real or personal estate transferred to itby gift, grant, bequest or devise, for the use of public school[s] of said district.

Disposition of moneys raised under this act.

SEC. 20. All moneys required to be raised by the provisions of this act, on being raised as herein provided, shall be held by the treasurer of the city of Kenosha, and by him placed to the credit of the board of education, and shall be drawn out in pursuance of a resolution of said board, by orders drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and the said treasurer shall keep the funds authorized by this act to be received by h m, separate and distinct from any funds that he is or may by law be authorized to receive.

City clerk to deliver to town clerk of adjoining towns statement of amount of tax levied for school purposes, &c.

SEC. 21. The city clerk shall, on or before the fourth Monday of November in each year, deliver to the town clerk of any town adjoining the city of Kenosha, in which there shall be any part of district or territory annexed to the public school district of said city, a statement in writing, verified by his affidavit, showing the whole amount of taxes levied by the city council for the current year, for the school purposes authorized by this act; such a statement shall contain a list of all corporations and descriptions of property, liable to a school district tax, together with the proportion of tax to be assessed in any such part of district or territory annexed as aforesaid; such proportion shall be ascertained from the valuations contained in the last assessment roll of such town, and to enable the said city clerk to ascertain the same, the town clerk of each town, shall on demand, at any time after he has received the assessment of his town for that year, deliver to the said city clerk, a certified statement of the valuation of real and personal property in that part of district or territory annexed to the said city, for the purposes aforementioned.

Town clerk's duty on receiving same.

SEC. 22. The town clerk receiving the statement mentioned in the last preceding section, shall assess such tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the assessment roll of his town, delivered to town treasurer for collection, and

such tax shall be collected or returned, in all respects as other taxes, and when collected, the money shall be paid over to the treasurer of the city of Kenosha.

Adding additional territory &c.

SEC. 23. Whenever it shall be necessary and expedient to add any additional territory to the Kenosha public school district from any adjoining town, or to set off any territory now annexed, or to alter the boundaries of any such territory, the town superintendent of any such town to be affected by such annexation, alteration or setting off, and the superintendent of the city of Kenosha, shall meet together, and when so met shall possess the same powers as are now by law conferred on town superintendents of adjoining towns to make such regulations and alterations of boundaries as may be deemed necessary and proper.

CHAPTER XII.

Of Railroad Commissioners.

Railroad commissioner.

SEC. 1. The railroad commissioner shall be ex-officio a member of the board of directors of the Kenosha and Beloit railroad company, with all the duties, responsibilities and powers incident to the office of directors, under the charter of said railroad company.

Commissioner's duty.

SEC. 2. It shall be the duty of said commissioner to attend all meetings of the stockholders of the Kenosha railroad company, and to vote in person the same as any individual stockholder in all shares of stock held by the city of Kenosha in the stock of said company.

Same.

SEC. 3. The railroad commissioner shall have generally the charge and control of all interest the city of Kenosha now has or may hereafter have in the Kenosha and Beloit railroad. He shall receive all funds paid into the hands of the city treasurer, on account of the tax for the benefit of the Kenosha and Beloit railroad company, and shall hereafter redeem all scrip which has been issued to said railroad company as the same becomes due, making such provisions therefor, or recommending such measures to the common council as he may deem necessary for the protection and benefit of the tax payers of the city.

CHAPTER XIII.

Of Legal Proceedings.

Actions.

SECTION 1. All actions brought to recover any penalty or forfeiture incurred under this act, under the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, or forfeiture, stating the clause of this act, the by-laws, ordinances or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Suits for violation of ordinances.

SEC. 2. In all suits for any violation of any ordinance, by-law or police or other regulation, the first process may be by warrant.

Jurisdiction of justices of the peace.

SEC. 3. Either of the justices of the peace in the said city shall have jurisdiction in any action for the recovery of any fine or penalty not exceeding one hundred dollars under this act, or ordinance, by-laws or police regulations of the city council, any thing in the laws of this State to the contrary notwithstanding, and either of said justices shall have power to fine or imprison, or both, in their discretion, when such discretion may be vested in them by any such ordinance or regulation or by this act.

When execution may issue.

SEC. 4. Execution may issue immediately on rendition of judgment; if the defendant in any such action, have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution may require the defendant to be imprisoned in the jail of Kenosha county, for such time, not exceeding sixty days, as may be prescribed by ordinance.

Costs.

SEC. 5. All costs incurred in prosecuting for the recovery of any penalty or forfeiture under this act, or any ordinance, by-law or regulation of the city, when collected, shall be paid to the treasurer for the use of the city.

No person an incompetent witness, &c.

SEC. 6. No person shall be an incompetant justice, commissioner, witness or juror by means of his being an inhabitant or freeholder in the city of Kenosha, in any action or proceeding in which the said city shall be a party in interest.

Printed copy, evidence.

SEC. 7. A printed copy of an ordinance, by-law or resolution, purporting to be printed by authority of the

common council, shall be *prima facie* evidence in any court, of its due passage and publication, and may be received in evidence.

Public act. SEC. 8. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof, in all courts and places.

Peace officers —duty. SEC. 9. All officers of the city, created conservators of the peace by this act, shall have power to arrest or cause to be arrested with or without process, all persons who shall break or threaten to break the peace, or to violate any city ordinance or police regulation, commit for examination and if necessary detain such person in custody one night in the county jail, or other safe place, and shall have and exercise such other powers as conservators of the peace as the common council may prescribe.

Remitting penalties. SEC. 10. No penalty or judgment recovered in favor of the city, shall be remitted or discharged without a vote of two-thirds of all the aldermen elect.

Suits against city. SEC. 11. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor or clerk, whose duty it shall be forthwith to inform the council thereof, or take such other proceedings as by the ordinances and resolutions of said council may in such case be provided.

CHAPTER XIV.

Miscellaneous Provisions.

Relative to ordinances now in force. SECTION 1. All ordinances, regulations and resolutions now in force in the city of Kenosha, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council after this act shall take effect.

Suits now pending. SEC. 2. All actions, rights, fines, penalties, forfeitures in suit or otherwise, which have accrued under the several acts constituted herein, shall survive to and be vested in and prosecuted by the corporation hereby created.

Property. SEC. 3. All property, real, personal or mixed, belonging to the city of Kenosha, is hereby vested in the corporation created by this act.

SEC. 4. All officers of the city of Kenosha now in office shall respectively continue in the same for the several terms for which they were elected or appointed; but shall be governed in their official actions by this act after it shall take effect. Officers of city.

SEC. 5. This act shall not invalidate any legal act done before this act shall take effect, by the common council of the city of Kenosha, or by the officers of said city, nor divest their successors, under this act of any rights of property or liability which may have accrued to, or been created by said corporation, given to the passage of this act. Not invalidate other acts.

SEC. 6. No general law of this State containing the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such laws. Repealing.

SEC. 7. An act to incorporate the city of Kenosha, approved February 8, 1850, an act to extend the corporate limits of the city of Kenosha, approved February 7, 1851, an act to amend an act to incorporate the city of Kenosha, approved March 3, 1857, an act to amend an act entitled an act to incorporate the city of Kenosha, approved March 19, 1852, an act to amend the charter of the city of Kenosha, approved March 7, 1853, and all other acts of the Legislature of this State, so far as each or either of them conflict with this act, are hereby repealed. Repealed.

SEC. 8. This act shall take effect from and after its passage.

Approved March 2, 1857.

Chapter 134.

Act to authorize certain towns therein named to loan their credit in aid in the construction of the Sheboygan and Mississippi Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The respective boards of supervisors of towns of Tayeheedah and Calumet, in the county of Fond du Lac, are hereby authorized and empower- Towns authorized to loan credit in aid of railroads.

ed to loan the credit of said towns by issuing the bonds of their respective towns to aid in the construction o the Sheboygan and Mississippi railroad, on the condi tions and for the purposes hereinafter mentioned, fo any sum not exceeding in amount for each town th sum of thirty thousand dollars.

Denomination of bonds, &c.

SEC. 2. Such bonds shall be signed by the chairma of the board of supervisors, and countersigned by th town clerk: shall be of the denomination of five hun dred dollars, or of one thousand dollars each: shall b payable in the city of New York in twenty years fro their date, with interest, payable semi-annually, in th city of New York, at not exceeding ten per cent. pe annum.

Vote on issue of bonds.

SEC. 3. No such bonds shall be issued until a majo rity of the legal voters of the towns, voting upon th question, shall have voted in favor of such issue. Th election for that purpose shall be called by the supe visors of the respective towns mentioned in this act, o the written application of the company, served upo the clerk of such town or towns, or be ordered to b held on the day of the annual town meeting; but i either case, notice of the election shall be posted in fi public places in the town, and be published in a new paper, printed in the county, for twenty days precedi such election. The notice shall specify the amount the bonds proposed to be issued, the length of tim they are to run, the rate of interest they shall bear, a the railroad for which they are to be issued; at su election those voting in favor of the proposition sh deposit a ballot containing the words, "For the ra road loan;" and those voting against it, shall deposi ballot containing the words, "Against the railro loan." The election shall be conducted, and the vo shall be canvassed and certified in the same manner the votes given at the annual town meeting; *Provid however*, That no such election shall be called or ord ed by the supervisors of any town mentioned her except the same shall be requested in writing, by p tion, of not less than twenty-five freeholders; and wh such petition shall be presented to the supervisors such town, they shall call an election as herein p vided; nor shall such election be called or orde until the route of said railroad shall be permanen located on a line already surveyed by said Sheboy

Election, how conducted.

and Mississippi railroad company, and known as "the North line."

Company to issue bonds to towns to secure same, &c.

SEC. 4. Before the delivery to the railroad company hereinafter named, of any of the bonds which may be issued in pursuance of the provisions of this act, such railroad company shall execute to the treasurer of said towns and their successors in office, and deliver to the said boards of supervisors of the towns issuing such bonds for the use and benefit of said towns, the bond of said company, under the proper legal authority of its board of directors, signed by their president and countersigned by their secretary, under the corporate seal of said company, in a penal sum of at least double the amount of the bonds to be issued to such company, with conditions and covenants therein, that such company shall punctually pay and discharge the principal and interest moneys of the bonds of said towns, so received by them, as the said principal and interest shall become due and payable, and shall also save harmless the said towns, against all payments, liabilities, losses, damages, costs and expenses which the said towns may incur or sustain in consequence of the issue and delivery of the said bonds of said towns, to such company; and the said bonds of such company so executed and delivered to said treasurers and boards of supervisors of said towns, are hereby declared to be legal and valid against such company so issuing them according to the tenor and effect thereof.

Company to give towns a mortgage as further security.

SEC. 5. To secure the performance of the covenants and conditions of the bonds of said railroad company, so to be issued to said town treasurers and boards of supervisors, for the use of said towns, such company so issuing their said bonds, shall at the same time, execute to the treasurers of said towns, and their successors in office, and deliver the same to the boards of supervisors of said towns, a mortgage executed in due form of law, upon some portions, sections or divisions of the said railroad of said company, six miles in length, for every thirty thousand dollars of the bonds of said towns so issued to said railroad company, and at that rate for any amount of the bonds of said towns, so issued to said company, which said mortgage or mortgages, shall convey such portions of said railroad, so mortgaged, its equipments, real estate, buildings, personal property and franchises, as well that thereafter

to be acquired and constructed as that already acquired and constructed at the time of the execution of such mortgage or mortgages, and shall contain therein, covenants of warrantees of the titles thereto, and shall be the first mortgage or lien upon said property, subject to a prior and first mortgage or lien upon said property, for a sum not exceeding twelve thousand and five hundred dollars per mile, for every mile of road embraced therein, to be ascertained by dividing the aggregate amount of the bonds, secured by such first mortgage, by the number of miles of such road, embraced in the same.

Faith of towns pledged.

SEC. 6. The faith of the towns mentioned in this act, is hereby irrevocably pledged for the full and punctual payment of the principal and interest of every such bond, which shall be issued by either of the towns mentioned in this act, in pursuance of the provisions thereof, and the boards of supervisors of said towns, shall have power to provide for the payment of the whole, or any part of said principal and interest due, or to become due on the said bonds issued by said towns, and it shall be the duty of said boards of supervisors to provide for the payment of any portion thereof, which shall not be provided for by the said railroad company, to which the same may have been delivered, by levying and collecting, from time to time, such special taxes on the real and personal property in said towns, liable to taxation, as may be sufficient to pay and discharge the same, which taxes shall be levied and collected, in the same manner as town and county taxes.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 135.

An Act to amend an act entitled "an act to incorporate the Wisconsin River Improvement Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Wisconsin River Improvement Company, incorporated by an act approved February 19th, 1853, are hereby authorized to improve the navigation of the Wisconsin river, in the manner provided in said act, from Point Basin, Portage county, to the mouth of Egle river, in Marathon county, and for the purpose of so doing, are authorized to increase the capital stock to the amount of ten thousand shares, of fifty dollars each, and to increase the number of directors to seven. Authorized to increase capital stock.

SEC. 2. For the purpose of making suitable reservoirs the said company are hereby authorized to flow any lands north of township No. 32, north, belonging to this, or which may be granted for this purpose by the Congress of the United States, and any lands which may be granted to this State by Congress, for the improvement of the Wisconsin river, between the point named in the first section of this act, are hereby granted to said company, and such lands are hereby exempt from taxation for the term of two years, unless they are previously sold or contracted to be sold. Authorized to flow lands, &c.

SEC. 3. The said company are hereby authorized to secure the payment of bonds issued according to the provisions of the charter by the mortgage of the franchises and real and personal property which belong or may belong to said company. Payment of bonds.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 136.

An Act to grant additional powers to the Board of Trustees of the village of Neenah, and to enlarge the boundaries of said village.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Further powers.

SECTION 1. In addition to the powers now possessed by the board of trustees of the village of Neenah, the said board shall have power to improve the navigation of the south branch of Fox river, the canal, lock, lake, or other waters lying within the corporate limits of said village; *Provided*, No tax for such improvement shall exceed five hundred dollars in any one year, and subject to the provisions hereinafter contained; to prohibit the putting into said river, canal or other of said waters, any slabs, edgings or other materials that may cause an obstruction to the navigation thereof; to impose and collect such reasonable tolls as said board shall deem expedient and just, from those wishing to pass through the draw and lock in said [canal]; *Provided*, They shall keep the same in repair, *And, provided*, That except for the purpose of collecting the tolls upon the condition aforesaid, nothing herein contained shall authorize any interferance with the occupancy or control of those persons or their assigns, who have contributed the means in making and erecting said lock and canal, without first reimbursing said persons the amount so invested; to take up, vacate and close, and lay out, establish [and] open such highways and streets within the limits of said village, as they may choose, subject to the provisions of section forty of chapter fifty-two of the revised statutes of Wisconsin, in relation to damages; to divide said village into such number of wards as they may from time to time deem proper; to prohibit or license all theatrical exhibitions or other public shows, to which admission is obtained by the payment of money, upon such terms as they may deem proper; and whenever two-thirds of the owners of real estate bounding any part of any street in said village, shall petition said board in writing, for the construction of a side walk, or the grading, paving, planking, filling up, widening or otherwise improving said street, to

Proviso.

Proviso.

order the building and construction of said side walk, or the grading, paving, planking, filling up or other improvement of said street, and shall provide to levy and collect a sum sufficient to build said side walk, or to make said improvement.

Directions.

SEC. 2. Whenever said board shall determine to improve the navigation of any waters lying within the limits of said village, as mentioned in the preceding section, they shall proceed to make such improvement according to the provisions of section five of an act entitled "An act to legalize the proceedings and organization of the village of Winnebago Rapids, and to change the name thereof, and confer additional powers thereto," approved March 28, 1856.

Amending section.

SEC. 3. Section — of the act mentioned in the last preceding section, is hereby amended, by striking from the latter part thereof, the following clause, to wit: "Said sums or tax to be levied in the last assessed valuation of said real estate as the same shall appear in the last assessment roll of said village, if there be one, if not, then as the same shall appear in the last assessment roll of the town of Neenah;" all of said section herein recited, is hereby repealed.

Added to village.

SEC. 4. All the south half of section twenty-seven, including lots four and five in said section, and the southeast quarter of section twenty, in town twenty, north of range seventeen east, is hereby included within the corporate limits of the said village of Neenah, and made a part thereof.

The president a member of board of supervisors.

SEC. 5. The president of the board of trustees of said village, shall be a member of the county board of supervisors, and shall have the same authority as representatives of said village as that possessed by the chairman of the board of supervisors of the various towns.

Farming lands in village—how taxed.

SEC. 6. (Add) [all] the southeast quarter of section twenty-eight, in town twenty, range seventeen, and that all lands included within the corporate limits of said village held in parcels of one to ten acres and used for farming purposes, shall not be taxed to exceed one-half of one per cent. for village or for any internal improvements in any year.

SEC. 7. This act shall take effect from and after its passage.

Approved March 2, 1857.

Chapter 137.

An Act to authorize John Knun, Alanson Holly, and Daniel B. Kuney, and their associates and assigns, to construct a bridge across the Wisconsin River, at Kilbourn City.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to construct a free or toll bridge—how to be constructed.

SECTION 1. John Knun, Alanson Holly, and Daniel B. Kuney and their associates and assigns, are hereby authorized to construct and maintain a toll or free bridge from the foot of Broadway, in Kilbourn City, across the Wisconsin river, to some point on the west bank thereof. The said bridge shall be erected at least forty feet above the surface of the said river at high water, and shall be so constructed as to give free passage at all times to any raft, boat, or other water craft passing up and down said river, and in the erection thereof no pier shall be erected or placed in the main channel of said river.

Power to collect tolls.

SEC. 2. The said John Knun, Alanson Holly, and Daniel B. Kuney, their associates or assigns, shall have power immediately after the completion of the said bridge, to demand and collect tolls for passing over the said bridge, as follows, viz: For every vehicle drawn by two horses, mules or oxen, twenty cents; for every vehicle drawn by one horse, fifteen cents; for each foot passenger, three cents; for a single horse, five cents; for all animals in droves of less than fifty head, two cents each; for all over fifty head, one cent each; and hogs and sheep shall be charged one cent each per head.

Keep rates posted up.

SEC. 3. The said John Knun, Alanson Holly, and Daniel B. Kuney, their associates and assigns, shall keep posted up in some conspicuous place on said bridge a list of the rates of toll allowed by this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 138.

An Act to authorize the Kenosha and Rockford Railroad Company, in this State, and the Kenosha and Rockford Railroad Company in the State of Illinois, to consolidate.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Railroads authorized to consolidate.

SECTION 1. The Kenosha and Rockford railroad company, in the State of Illinois, and such other railroad companies as said Kenosha and Rockford railroad company may consolidate within the State of Illinois; and the Kenosha and Rockford railroad company, in this State, are hereby authorized and empowered to consolidate the capital stock of the two companies, under the direction of one board of directors, of not less than fifteen, and said Kenosha and Rockford railroad company, in this State, or said consolidated company, shall have power to consolidate the capital stock of such company with any other railroad company, incorporated or organized under the laws of the State of Illinois, and the provisions of this act shall apply to every such consolidation.

May choose a name, and other powers.

SEC. 2. The two companies consolidated and placed under the direction of one board of directors, may select, choose, and nominate for itself, any name that a majority of the directors may deem fit, and may adopt a common seal, and alter the same at will, and after the said companies have consolidated, selected, and chosen a name, as aforesaid, it shall deposit with the secretary of this State, a certificate, signed by the president and secretary of the company so consolidated, as aforesaid; and the said company shall be known by the name so selected, chosen and certified, and under such name may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have all the rights, privileges and franchises conferred on said companies, by the laws of the States of Illinois and Wisconsin, respectively, the same and not otherwise, as though the said consolidation had not taken place, and the right of way may be taken in the same manner, in all respects, as though the said companies had not consolidated.

Board of directors to complete consolidation by contract.

SEC. 3. The board of directors of the two companies, respectively, are authorized to complete the said consolidation by contract, and for that purpose, may meet at any place in this State, or the State of Illinois, and shall file a copy of the articles of consolidation with the secretaries of the State of Wisconsin and the State of Illinois.

Election of directors.

SEC. 4. The consolidated company shall hold an election, for the elections of directors, on the first Wednesday of October of each year, unless otherwise directed by the by-laws of said company, at a place to be selected by the board of directors, in one of the counties in the State of Illinois or this State, through which the said railroad passes, and notice of said election shall be given to the stockholders, by four weeks publication in one newspaper, published in Kenosha, and in one at Rockford, and the election shall be conducted in such manner as the by-laws to be adopted by said consolidated company may direct.

Consolidated company.

SEC. 5. The said consolidated company shall be and remain subject to the laws of the State of Wisconsin, and the State of Illinois, respectively, and shall have in all respects, the same privileges as though this consolidation had not taken place; *Provided*, The laws of the State of Illinois shall have no force in this State, under the provisions of this act.

Proviso.

How managed prior to election of directors.

SEC. 6. After consolidation, as aforesaid, and before the first election of directors by the stockholders, the affairs of the consolidated company shall be managed by the directors of the two companies, acting jointly, and as soon after consolidation as it may be deemed expedient to organize said consolidated company, said joint board of directors shall meet and elect a president, vice president, treasurer, and secretary, and the said consolidated company, being thus organized, may execute in their corporate name, all such writings, notes, bonds, or mortgages of their real or personal property, or any part thereof, as they may deem necessary to secure the payment of any liability incurred or to be incurred in the construction and equipment of this road, and may agree in such notes, bonds, and mortgages, to pay such rate of interest as they may think proper, and may sell and dispose of said notes, bonds and mortgages, at par, or at such prices above or below par, as they shall think proper.

SEC. 7. This act shall take effect from and after its passage, and shall be deemed a general act, and be construed liberally by the courts of this State. Relative to act.

Approved March 2, 1857.

Chapter 139.

An Act to amend an act entitled "an act to consolidate an act to incorporate the city of Janesville," approved March 19, 1853, and the several acts amendatory thereto, and to amend the same; approved March 31, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the second ward of the city of Janesville, lying northerly of a line commencing in the middle of Rock river, opposite the center of North Second street, and running thence in a direct line to the center of North Second street, and thence along the center of North Second street, Harmony street and Milton avenue, to the north line of the city of Janesville, on and after the first Wednesday of April next, shall be set off from the second ward, and shall costitute and be the sixth ward of the city of Janesville. Boundaries of sixth ward.

SEC. 2. At the election to be held in said city in April next, and annually thereafter, all elections shall be held in said ward for city and ward officers, in the same manner as in the other wards, which election shall be conducted and returns thereof made in the same manner as in the other wards of said city. Elections.

SEC. 3. The same officers shall exist in said sixth ward, as in the other wards of said city, and said offices shall be filled in the same manner and for the same terms as the like offices in the other wards, and the officers elected in said sixth ward, shall perform the same duties and be subject to the same liabilities as the like officers of the other wards; *Provided*, The first, second, third and fourth wards of said city shall have the same representation in the county board of supervisors as is now provided by law, but the fifth and sixth wards shall be entitled to only one member of said county Officers, sixth ward. Proviso.

board of supervisors for the two wards, but the right of representing said wards in said county board of supervisors shall be divided between the said wards in such a manner that an alderman of each of said wards shall, during each alternate year, be a member of said county board of supervisors, and the aldermen of said wards having the longest term to serve, shall determine between themselves, by lot, at the meeting of the common council of said city to be held next after the aldermen of said wards, to be elected at the next annual election for city officers shall be qualified, who shall be entitled to first represent said wards in said county board of supervisors.

Inspectors of election.

SEC. 4. It shall be the duty of the common council, (on) [or] in case of the neglect or refusal of the common council, it shall be the duty of the police justice of said city, on or before the twentieth day of March next, to appoint three persons to act as inspectors of election at the first election in said ward, who shall take the usual oath of inspectors of election, and who shall have power to appoint clerks of such election; such inspectors shall conduct the first election in said ward, and shall, at least ten days before such election, cause to be published daily, in one of the daily papers in said city, a notice of the place in said ward where such election shall be held.

Police justice.

SEC. 5. The authority, powers, rights and jurisdiction of police justice of said city, shall be and remain the same as is provided in the twelfth section of chapter three of the act of which this act is amendatory.

Repealing clause.

SEC. 6. All provision of law inconsistent with the provisions of this act, are hereby repealed.

SEC. 7. This act shall be in force from and after its passage.

Approved March 2, 1857.

Chapter 140.

An Act to incorporate the Mount Trempealeau [Institute.]

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Joseph M. Hays, Jay Parker, Samuel D. Hastings, George Batchelder, James M. Barrett, D. N. Gilfillen, E. R. Utter, Benjamin B. Healy, Isaac Noyes, Hollister Wright, Samuel F. Harris, Byron Viets, Noah Payne, Edward Jones, Alson Atwood, John Nichols and Francis M. Rublee, their associates and successors, be and they are hereby created a body corporate and politic for educational purposes, in perpetual succession, with the name and title of "The Board of Trustees of the Mount Trempealeau Institute," with full power to sue and be sued, plead and be impleaded; to acquire, hold and convey property real and personal, to have and use a common seal, to alter and renew the same at pleasure, and to adopt such by-laws, not inconsistent with the constitution and laws of the United States, or of the State of Wisconsin, as they may deem necessary for the government of the institute.

Style and powers.

Location of institute, &c.

SEC. 2. The said institute shall be located at or near the village of Trempealeau, in the county of Trempealeau, and may be erected on a plan sufficiently extensive to afford instruction in literature, the sciences and arts, in the theory and practice of elementary instruction, and in any and all of the liberal professions, in such manner and at such times as the board of trustees may deem practicable and desirable.

Board of trustees.

SEC. 3. The board of trustees shall consist of not less than ten members, who shall have power to increase the number to twenty, and to fill any vacancies that may occur by death, resignation, or neglect of the duties of the office for more than one year. The members of the board shall be divided into two classes, one of which shall go out of office in one year, to be determined by lot at the organization of the board; and afterwards trustees shall be elected to serve two years, The first meeting of the board of trustees shall be held at such time and place as may be designated in a call signed by a majority of the corporate members, of

Meetings.

which due notice shall be given; and afterwards they shall meet on their own adjournment, and in such manner as may be prescribed in the by-laws; and any five of them duly assembled, shall constitute a quorum for the transaction of business, and any less number may adjourn from time to time.

Trustees—their powers.

SEC. 4. The board of trustees shall have power to devise and execute measures for the establishment and prosperity of the institute; to prescribe the course of study in the several departments; to appoint an executive committee, consisting of the president, secretary, treasurer and three directors, for the transaction of all ordinary business under the direction of the by-laws, and subject to the approval of the board; to elect and inaugurate a board of instruction, consisting of a presiding officer, who shall be a member of the board of trustees *ex officio*, and the requisite number of professors and tutors; and also to confer such degrees, and to grant such diplomas as are conferred and granted by other universities.

Funds.

SEC. 5. All funds and property received by the board of trustees by gift or otherwise, shall be faithfully applied, according to the best of their judgment, for the the benefit of the institute, in purchasing grounds, erecting buildings, procuring library and apparatus, creating endowments for the support of professors, and paying the salary of agents, officers and teachers of the institute.

Library, &c. exempt from tax.

SEC. 6. The library, apparatus, cabinet and lands of the institute, not exceeding forty acres, shall be exempt from taxation; *Provided*, That lands exempt from taxation by the provisions of this act, shall not be used for any other than institute purposes.

No religious test required.

SEC. 7. No political or religious opinions shall be required as qualifications for membership in the institute; and no student shall be required to attend worship with any particular denomination.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 141.

An Act to incorporate the Madison Typographical Union.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Jonathan Davis, John Griffiths, Peter Stout, A. J. Turner, A. J. Mackay, A. J. Krum, John D. Lemmon, Wm. A. Emmons, P. Melguard, Michael J. Cantwell, Wm. Hill, C. E. Bronson, Andrew Sexton, Charles Swan, Charles Snell and their associates and successors, are hereby created a body corporate and politic, by the name of "The Madison Typographical Union," and by that name to remain in perpetual succession, for the purpose of establishing and maintaining a literary and reading room, instituting literary and scientific lectures, or providing other means of moral and intellectual improvement, or for the purpose of devising and adopting means for improvement in the art of printing in all its branches, with power to take for such pupose, by purchase or devise, and to hold, transfer and convey real and personal property, to an amount not exceeding ten thousand dollars, and further to take, hold and convey all such books, cabinets, library, furniture and apparatus, as may be necessary for attaining the objects and carrying into effect the purposes of said corporation.

Style.

Powers.

May contract, sue, &c.

SEC. 2. The said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded with, answer and be answered unto, in all courts of this State, and shall be vested with all the powers and privileges necessary to carry into effect and fulfill the objects of its corporators.

By-laws, &c.

SEC. 3. The said corporation shall have further power to establish for its government, a constitution and by-laws, not inconsistent with the constitution and laws of this State, and to have [and use] a common seal, and alter the same at their pleasure, and shall have further power to elect such officers as are necessary to carry out the provisions of this act.

SEC. 4. This act shall take effect from and after its passage.

Approved March 2, 1857.

Chapter 142.

An Act to legalize the proceedings of a School Meeting in District Number one, (1) town of Norway, and County of Jackson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Tax declared valid.

SECTION 1. The proceedings of the first meeting of school district number one, in the town of Norway, in the county of Jackson, at which time a tax was levied to build a school house in said district, are hereby declared to be as valid and binding to all intents and purposes as if all the requirements of the laws of this State had been fully complied with.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 143.

An Act to authorize Union [School] District, No. 8, of Monroe, to loan its credit in aid of a Union School.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

School district authorized to borrow money

SECTION 1. The district board of Union School District, No. Eight, of the town of Monroe, in the county of Greene, are hereby authorized, and empowered to borrow, on the credit of said district, such sum or sums of money, as they may think proper, not exceeding in the aggregate, fifteen (15) thousand dollars, and for any length of time, not less than three years, which money shall be expended in the purchase of a site for, and in the construction of a suitable school house thereon, and for no other purpose; and the officers now composing the district board of said district, are hereby declared the legal officers of said school district, till others are duly elected in their stead, at the regular annual meeting, on the fourth Monday of September next.

May issue bonds.

SEC. 2. The said district board, are hereby authorised and empowered, to issue the bonds of said district, at any rate of interest, not exceeding twelve per cent., which if signed by two of the district board, shall be valid, and they are hereby authorized, to negotiate said bonds, and apply the proceeds thereof for the purpose aforesaid.

Statement by clerk of disposition of bonds

SEC. 3. It shall be the duty of the clerk of said district, to file with the town clerk of said town, on or before the last Monday of September, A. D., 1857, a sworn statement, exhibiting the amount of each bond, issued by virtue of this act, the person to whom issued, or with whom negotiated; the rate of interest which the same bears, and the time or times, when the same shall fall due, and shall record such statement in the records of such district, and it shall also be the duty of the district clerk to file such statement, as often as any new bonds shall be issued, after the last Monday of September, 1857.

Tax to pay interest on said bonds.

SEC. 4. It shall be the duty of such town clerk, in making out the tax roll in each year, to levy upon the taxable property of said district, an amount sufficient to pay the interest on all such bonds, for one year, which amount shall be set down on the annual tax roll, and collected as other taxes are; and whenever any principal of such loans shall become due, within the year next ensuing the day when the said town clerk shall be required by law to deliver such tax roll to the town treasurer, then it shall be the duty of such town clerk to levy on the taxable property of said district, and set down upon the said tax roll, an amount sufficient to pay such principal, and the same shall be collected, in the same manner as other taxes; *Provided*, That not more than three thousand dollars shall be made to fall due, and be collected in any one year; *And, provided further*, That if any principal or interest of any bond shall remain due, and unpaid, for three days, the obligee or his representatives or assigns, shall have the right to sue and collect the same, in the same manner as debts against school districts are now collectable by law.

Proviso.

Care and disposal of moneys.

SEC. 5. All such moneys, when collected, shall be paid by the town treasurer, (or by the county treasurer, if collected by him), to the treasurer of said school district, who shall use the same for the purpose of pay-

ing said bonds, or the interest due thereon, according to the conditions of the same.

Territory of school district.

SEC. 6. The following territory is hereby incorporated into one school district, under the name of Union School District, Number Eight, of the town of Monroe, in the county of Greene, to-wit: All of sections twenty-six and twenty-seven, (26 and 27), and sections thirty-four and thirty-five, (34 and 35), except the south half of the south half of said section thirty-four, (34), and except, also, the south half of the south half of said section thirty-five, (35), in the said town of Monroe, Greene county; and no alteration of the boundaries of said school district, hereby created, shall be made by any officer of said town, or of said school district;

Proviso.

Provided, That nothing herein contained, shall release any former district, now making a part of said Union District, from the payment of any debt due *therefrom*, in its former corporate capacity.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 144.

An Act to provide for the sale of lands for non-payment of taxes for the year 1856, in Waupaca County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sale of lands for taxes of 1856.

SECTION 1. The county treasurer of the county of Waupaca, is hereby authorized to sell the lands returned for non-payment of taxes for the year 1856, in said county, at the time provided by law for the sale of lands for taxes at the town of Lind in said county at the school house commonly called Chandler's school house.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 145.

An Act to protect the lumber interests of Black river, and to amend certain laws therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To protect lumber.

SECTION 1. Every person who shall willfully take, carry away or otherwise convert to his own use, without the consent of the owner, any log or cant suitable to be worked into plank, boards, joist, shingle, or other lumber, the property of another, whether the [owner] thereof be known, or unknown, lying and being in Black river, or in any of its tributaries, or on or near the banks of said river, or its said tributaries, for the purpose of being driven or floated to market, shall be deemed guilty of the crime of larceny, and on conviction thereof, shall be punished by a fine not less than fifty dollars, and by imprisonment in the county jail not less than three months, and on a second conviction of a like crime, shall be punished by a fine not less than one hundred dollars, and by imprisonment in the penitentiary not more than two years.

Punishment.

Punishment for destroying marks in lumber.

SEC. 2. Every person who shall cut out, alter, or destroy any mark made or caused to have been made, by the owner, on any log, cant or other lumber lying and being as described in the first section of this act, without the consent of the owner thereof, shall on conviction, be punished by a fine not less than fifty dollars and by imprisonment in the county jail not less than three months, and on a second conviction for a like crime, shall be punished by a fine not less than one hundred dollars, and by imprisonment in the penitentiary not more than two years.

Persons guilty liable to owners, &c.

SEC. 3. Every person guilty of either of the offences described in the preceding sections of this act, shall whether convicted thereof in a criminal prosecution, or not, be liable to pay the owner of such log, cant or other lumber, respecting which the offence was committed, double the amount of the value of the same, to be recovered in an action.

Presumptive evidence.

SEC. 4. In any prosecution under the preceding sections of this act, if such log or cant shall be found

in the possession of the defendant, with the mark cut out, or destroyed, or partly cut out, or destroyed, or partly sawed or manufactured into lumber, of any kind, such possession shall be presumptive evidence of his guilt.

Owner may enter any mill, boom, &c. in search of logs, &c.

SEC. 5. The owner of any such log, cant or other lumber, may at any time lawfully by himself, or his agent, enter in a peaceable manner, upon any mill or mill ——, boom or raft of logs, cant or other lumber, in the said Black river, or in its tributaries, or on or near the banks of said river, or its tributaries, in search of any such log, cant or other lumber, which he may have lost, and any person who shall willfully prevent or obstruct such search, shall forfeit for such offence, not less than twenty dollars, nor more than fifty dollars to be recovered in the manner and for the use of the person by whom or on whose account such entry was made.

Where logs get mixed—how arranged.

SEC. 6. Any person owning logs, cant or other lumber lying and being as hereinbefore mentioned, shall have the right to drive or float the same into said Black river, and to drive or float the same to the mouth of said river, and any person whose logs, cant or other lumber, in any of the streams in this act mentioned, shall be so intermixed with the logs, cant or other lumber of another person, that the same cannot be conveniently separated for the purpose of being floated to market, may drive all such logs, cant or other lumber, with which his own are so intermixed, toward the place of their destination, and shall be entitled to a reasonable compensation for such labor, from the owner, to be recovered after demand thereof on the owner or agent, if known, in an action; and he shall have a lien on the same for the value of such labor, after they shall have arrived at the booms of the Black River Log Driving company, near the mouth of the river, and may proceed to enforce his said lien pursuant to the provisions of chapter one hundred and twenty of the revised statutes of this State, and acts amendatory thereof, and may retain possession of said logs, cant, and other lumber, subject to prior liens, until his said lien shall be paid or satisfied.

How to construe certain chapters.

SEC. 7. Chapter sixty-two of the session laws of eighteen hundred and fifty-four, and chapter three hundred and ninety-three of the session laws of eighteen

hundred and fifty-six, amendatory thereof, shall hereafter be so construed as to confer no right upon the Black River Log Driving Company, independently of this act, to drive logs and lumber in said Black river, above the horse race, so called, and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1857.

Chapter 146.

An Act to incorporate the Wisconsin Farmers' and Mechanics' Club.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. M. Clark, S. B. Newcomb, Giles Kinney, H. J. Stavin, J. Thayer, E. F. Williams, I. L. Pratt, E. M. Rice, M. E. Congar, R. Cheeney, Jr., E. Wakely, P. Cravath, N. Salisbury, A. E. Ray, J. Carpenter, O. P. Dow, D. W. C. Barron, S. B. Edwards, S. Brooks, O. Preston, A. G. Hanford, Jas. Davis, M. R. Britton, J. C. Brayton, S. S. Daggatt, C. Gifford, G. O. Tiffany, I. Powers, M. Jones, D. J. Powers, C. Colby, N. L. Gaston, P. S. Carver, F. Drake, G. Crain, B. R. Hinkley, P. Golder, H. H. Wilds, M. Shell, and such persons as shall hereafter associate with them as members, are hereby created a corporate body, by the name of the Wisconsin Farmers' and Mechanics' Club. Corporators. Style.

SEC. 2. The purposes of such corporation shall be to promote and encourage agriculture and the mechanical arts, by the holding of fairs or festivals, the awarding of premiums and by other suitable means. Objects.

SEC. 3. Such corporators shall have all the rights, powers and privileges given to corporations by chapter fifty-four of the revised statutes, and such as are now or hereafter may be conferred on or belong to county agricultural societies in this State, not inconsistent with the provisions of this act. Powers.

May hold land &c.

SEC. 4. Such corporators may hold land to the amount of eight thousand dollars, and personal property to the amount of two thousand dollars, and may convey the same in such manner as shall be prescribed in its by-laws, and may borrow money upon the security of such property at such rates of interest as may be lawful between individuals, when necessary for carrying out the purposes herein prescribed, or such as are incident thereto.

Capital stock.

SEC. 5. The capital stock of said corporation shall be divided into shares of twenty-five dollars each, and the aggregate amount thereof may be equal to the value of all the property, real or personal, at any time owned by said corporation.

Membership.

SEC. 6. The corporation may establish life membership and annual membership, and the rights and privileges that shall appertain to each; every person who shall subscribe for and continue to hold one or more shares of the stock, shall be denominated a life member, but such membership shall continue only so long as he shall retain one or more shares of such stock, and the corporation may allow interest at the rate of ten per cent. per annum upon sums advanced for shares of stock.

First meeting to receive subscriptions to capital stock.

SEC. 7. One-third of the persons named in section one of this act, may meet at the Whitewater Hotel in the town of Whitewater, on the fourth Monday of March 1857, at 12 o'clock M., to receive subscriptions to the capital stock and decide on the distribution of the same, and to organize, and so soon as twenty-five shares are subscribed and distributed among the subscribers *pro rata*, and five dollars on each share paid in, the said corporation shall be deemed duly organized; in case of failure to meet as above prescribed, any ten of said persons may call a meeting for the said purpose, at any other time and place, by publishing notice thereof for three weeks, in a newspaper in each of the counties of Walworth, Rock, Jefferson and Waukesha.

Annual meeting.

SEC. 8. The annual meeting shall be held on the first Monday of January of each year, and the fiscal year shall commence on the first day of January each year.

SEC. 9. This act shall take effect from and after its passage.

Approved March 2, 1857.

Chapter 147.

An Act to authorize the Racine and Raymond Plankroad Company to reconstruct their road, or some part thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To reconstruct road.

SECTION 1. The Racine and Raymond Plankroad Company are hereby authorized to take up the plank on their plankroad, and reconstruct and rebuild the road over the route where the same is now built or located, with a McAdamized or graveled road, at such points and places on the said road as they shall deem advisable.

In construction shall not render road impassable.

SEC. 2. The said company shall not take up the plank of their said road, so as to render the same impassable, nor any faster than may be necessary to reconstruct and rebuild the same, according to the provisions of section one of this act; and shall at all times keep said road in a good and passable condition.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 148.

An Act to aid Joint School District No. 1, of the town of Turtle; No. 5, of the town of La Prairie, in the county of Rock, in the erection of a School House in the village of Shopiere.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

School district authorized to borrow money

SECTION 1. The district board of joint school district No. one, of the town of Turtle, No. five, of the town of La Prairie, in the county of Rock, are hereby authorized and empowered to borrow such sum or sums of money, not exceeding one thousand dollars, as they may deem necessary for the purpose of aiding in the erection of a school house in said district.

May execute notes for above object.

SEC. 2. For the purpose of carrying out the provisions of the next preceding section, said district board are hereby authorized and empowered to execute promissory note or notes, as such board shall deem proper, which note or notes it shall be obligatory on said district to pay, with such interest as may be agreed upon, not exceeding twelve per cent. per annum, and payable at such time or times as they may deem advisable, not exceeding ten years from the date of such note or notes.

Mortgage.

SEC. 3. Said note or notes shall be signed by the district [board,] and said board are hereby authorized and empowered to mortgage any property owned by, or any property that may hereafter belong to said district, for the payment of any such sum or sums of money borrowed as aforesaid, for the purposes aforesaid.

Faith of district pledged for payment.

SEC. 4. The good faith of said joint school district shall stand irrevocably pledged for the punctual payment of the interest on said note or notes, at the end of each year from the date thereof, and for the ultimate payment of said note or notes at maturity. And the clerk of said joint school district shall, from year to year, so long as said loan or any part thereof remains due and unpaid, include in the annual statement of taxes required by section 33, of chapter 80, of the session laws of the year 1854, a sum in addition to the amount of the tax or taxes voted to be raised at the last annual meeting, sufficient to pay the annual interest on said loan, or such part thereof as shall remain unpaid; and on or before the fourth Monday of November, prior to the maturity of such note or notes, said clerk shall also include in his annual settlement as aforesaid, a further sum sufficient to pay the principal becoming due during the year next ensuing from and after said fourth Monday of November. In every case, the due proportion of the tax provided in this section, to be collected from the part of said district situate in the town of Turtle, and the due proportion to be collected from the part of said district situated in the town of La Prairie, shall be ascertained and certified to the town clerk of said towns respectively as now provided by law; and the tax shall in all respects be levied and computed upon the assessment roll and collected or returned delinquent like other taxes, and when collected the money shall be paid over to the district treasurer.

Tax to pay principal.

SEC. 5. The district treasurer of said district shall pay the interest and principal of such note or notes, or either principal and interest, as the same shall become due, by the conditions named in said note or notes, on presentation to him therefor. Payment of interest

SEC. 6. This act shall be favorably construed to effect the purpose for which it is intended, and shall be in force from and after its passage. To construe act.

Approved March 2, 1857.

Chapter 149.

An Act to legalize certain acts of the President and Trustees of the village of Appleton.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the president and board of trustees of the village of Appleton, in laying out, establishing and extending College Avenue, State, Walnut, Cherry, and other streets in said village, are hereby legalized and confirmed; *Provided*, The board of trustees of said village, or the common council of the city of Appleton, if said village shall in the mean time become an incorporated city, shall within six months after the passage of this act, apply by publication in some newspaper, printed in Appleton, to the county judge of the county of Outagamie, to appoint a jury of twelve persons, all of whom shall be freeholders, and not interested in the ownership of real estate, upon any of the streets laid or extended by said board of trustees, to appraise the value of the land taken by such village, for said avenue and streets, and to assess the damage or the benefit done, or accruing to each lot or tract of land, bordering upon the line of said avenue or streets, respectively. Acts of trustees in laying out streets legalized. Appraisal. damages and benefits.

SEC. 2. Immediately after being notified in writing of their appointment, the said jury of freeholders shall give notice, by publication, for two successive weeks, in some paper printed in Appleton, to all whom it may Jurors to view premises to make appraisal.

concern, that on a certain day or days to be named in such notice, they will proceed to view the premises, and make assessment thereon, under oath, of the damages done, or benefits accruing from the opening of such avenue or streets, at which time they will receive any testimony which may be proffered, under oath, which testimony they shall reduce to writing.

After examination to make assessment.

SEC. 3. After making such examination and assessment upon the several lots or tracts, bordering or abutting upon the avenue or streets laid or extended, by authority of the board of trustees of the village of Appleton, the jury of freeholders, hereinbefore provided for, shall make out an assessment thereof, describing each lot or tract of land therein assessed, with the name of the owner, if known, and the amount so assessed for damages or benefits, under appropriate headings, which assessments, duly sworn to, they shall return within one month thereafter, to the clerk of the village of Appleton, (or to the clerk of the city of Appleton, if a city government shall then be organized,) together with full minutes of all testimony taken, or proceedings had by them.

Amount of tax so levid a lien upon property.

SEC. 4. Upon the issuing of the next corporation tax roll of the village or city of Appleton, as the case may be, it shall be the duty of the clerk to include therein, under appropriate headings, the amount of tax levied by such jury of freeholders, against the real estate, benefited by the laying or extending of said avenue or streets, which tax is hereby declared to be a lien upon the real estate so taxed, and the proceedings for the collection of such tax, and the return and sale of any tract or lot upon which such tax remains unpaid, shall be in all respects, as provided by law for the collection of corporation taxes, in said village or city.

Issue orders to owners of real estate.

SEC. 5. Immediately after the filing of the assessment, hereinbefore authorized, the common council of the city of Appleton, or the board of trustees of said village, as the case may be, shall issue corporate orders to the owners of the real estate, to the amount of damages sustained by them, respectively, and in case of a refusal to accept the same, they may deposit them in the nearest bank, to the credit of such owner or owners; and the tax authorized to be levied by this act, to pay for such damages, when collected, shall be applied solely to the payment of such orders, and no others.

SEC. 6. In case the owner of any lot or tract, bordering or abutting upon College Avenue, or any street laid or extended by the board of trustees of the village of Appleton, shall deem himself aggrieved by the assessment hereinbefore authorized, he shall be authorized to take an appeal from the determination of said jury of freeholders, within two weeks after the filing of said assessment with the clerk of said village or city of Appleton, to a court commissioner of the county of Outagamie, who shall fix a day for the hearing of such appeal, not exceeding thirty days thereafter, at which time said court commissioner, shall cause a jury to be summoned, which jury shall be selected by the sheriff of Outagamie county, in all respects as a jury in a justice's court are drawn and selected; and the decision of such jury shall be final; *Provided*, That the party taking an appeal, shall serve a copy thereof, and notice of the time of hearing, upon the clerk of such village or city, as the case may be, which appeal and notice shall state the grounds upon which it is based. Aggrieved parties may appeal. Proviso.

SEC. 7. This act shall take effect from and after its passage.

Approved March 2, 1857.

Chapter 150.

An Act to amend and act entitled "An Act to authorize the city of Milwaukee to aid in the construction of Water Works in said city," approved March 31, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the act of which this is amendatory, is hereby amended, by adding thereto the following proviso: *Provided*, That said mortgage may be a second mortgage on said property, subject to any prior mortgage or mortgages, not exceeding in the whole the sum of one hundred thousand dollars, which said company may give as the first lien on said property. Amendment. Proviso.

Repealed. SEC. 2. Section six of the act of which this is amendatory, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 151.

An Act to alter the boundary lines of the towns of Elk Grove, Center, and Shullsburg, in the county of La Fayette.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sections added to town. SECTION 1. That sections thirty-one, thirty-two and thirty-three, in town number two, north of range number two east, and now embraced within the limits of the town of Elk Grove, and sections thirty-four, thirty five and thirty six, in town number two north of range number two east, and now embraced within the limits of the town of Center, shall be and is hereby attached to and made part of the town of Shullsburg, in the county of Lafayette; *Provided*, That nothing herein contained shall interfere with the collection of taxes or return of delinquent lands for the non-payment of taxes for the year 1856.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 152.

An Act to incorporate the Milwaukee Commercial College.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. That Aaron Baylies, Jr., and Lowell Lincoln and their successors, appointed in the manner

hereinafter specified, be and the same are hereby constituted and created a body corporate and politic, by the name and style of the Milwaukee Commercial College, and by that name shall have perpetual succession, and shall have power to receive donations and bequests, and hold real and personal property, either in trust or otherwise. Style. Power.

SEC. 2. Said corporation shall be capable in law of acquiring and holding property, real, personal and mixed, when the same shall be necessary for the purposes of said institution, in an amount not exceeding fifty thousand dollars, and the same to rent or otherwise dispose of at pleasure; *Provided, however*, That none of the property authorized to be held by this corporation shall be exempt from taxation. Capable of. Proviso.

SEC. 3. Said corporation shall have the power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, with authority to have, make and use a common seal, and the same to alter and renew at pleasure. Power to contract, &c.

SEC. 4. That the said corporation be and the same are hereby empowered to associate with them and to nominate and appoint a competent president, and also persons to fill the following chairs, viz: One for double entry book keeping, one for penmanship, one for mathematics, and one for commercial law, and such others as may become necessary to carry out the objects and purposes designated, and to fill any other chairs in any department of science and literature, that may hereafter be adopted and organized; they shall have the power to appoint their own successors, and shall have the power to appoint and remove the professors aforesaid, and such additional professors, assistants, tutors and servants, as may be necessary to promote the objects of the institution; and to fill, suspend or vacate any or either of the above chairs at option. Officers.

SEC. 5. The president, his associates and their successors, shall have the power to grant diplomas, award degrees, confer honors, and enjoy all and singular, the privileges common to commercial colleges in other States. May grant diplomas.

SEC. 6. It shall be lawful for A. Baylies and Lowell Lincoln, in their corporate capacity, to award diplomas, confer honors and transact all other business under the Corporators may grant diplomas, &c

style of Baylies & Lincoln, but their successors shall use the name of the president and as such only in awarding diplomas, conferring honors, etc.

SEC. 7. This act shall take effect immediately.

Approved March 2, 1857.

Chapter 153.

An Act to incorporate the village of Elkhorn.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate.

SECTION 1. The inhabitants of the district of country included in the limits and boundaries of the town now known as the town of Elkhorn, in the county of Walworth, are hereby created a body corporate and politic,

Style.

by the name and style of the Supervisors of the Village of Elkhorn, and by that name shall be capable of

Power.

contracting and being contracted with, of sueing and being sued, pleading and being impleaded in all courts and places, with power of purchasing, holding and conveying real and personal estate, and shall be competent to have and exercise all the rights and be subject to all the liabilities and duties appertaining to a municipal

Elective officers.

corporation. The elective officers of said corporation, shall be three supervisors, one of whom shall be designated as chairman. One assessor, one clerk, one treasurer, one superintendent of schools, justices of the peace, and constables; shall severally have and exercise all the powers, and be subject to all the duties and liabilities prescribed by statute in reference to said several designated officers in the several towns of this State.

Powers of board.

SEC. 2. The board of supervisors of Elkhorn, in Walworth county, shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, for the benefit of trade and commerce, and for the health thereof, as they deem expedient, declaring and imposing penalties, and to

enforce the same against any person, who may violate any of the provisions of such ordinances, rules and by-laws and such ordinances, rules and b-laws, are hereby declared to be and have the force of law; *Provided*, They be not repugnant to the constitution and laws of the United States, or of this State, and for these purposes shall have authority by ordinance or by-law, to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owners of such buildings shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the supervisors may purchase and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder, and other dangerous materials, to direct the safe construction of places for the deposit of ashes, to appoint one or more fire wardens, to enter into, at all reasonable times, and examine all dwelling houses, lots, yards, or enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe condition, to regulate the manner of putting up stoves and stove pipes, to prevent fires and the use of fire-works, and fire-arms, within the limits of the village, or in such part thereof as they may think proper, to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull, break down, and raze such buildings in the vicinity of the fire as shall be directed by the supervisors or any two of them, who may be at the fire, for the purpose of preventing its communication with other buildings, and any building so pulled, broke down, and razed, shall be paid for by the village; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention and extinguishment of fires as they may deem proper. Proviso.

2d. To prevent, abate and remove nuisances, and Nuisances, &c.

take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter house, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of the said village.

Shows. 3d. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, under the ordinances or common law.

Gaming. 4th. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purposes of gambling, in said village.

Riots, &c. 5th. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or houses of ill-fame, shows and exhibitions.

Slaughter houses. 6th. To direct the location of all slaughter houses and markets.

Encumbering streets, &c. 7th. To prevent the encumbering of the streets, sidewalks, alleys, or public grounds, with carriages, carts, waggons, sleighs, boxes, fire-wood, or other material or substance whatever.

Horse racing, &c. 8th. To prevent horse racing, immoderate driving or riding in the streets.

Cattle, swine, &c. 9th. To restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal so going at large in violation of the laws of said village.

Dogs. 10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses. 11th. To prevent any person from bringing, depositing or having within said village any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides or skins of any kind; and in default, to authorize the removal thereof by a constable or other competent officer, at the expense of such person or persons.

12th. To establish and regulate boards of health, to provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality. Boards of health.

13th. To prevent all persons from riding or driving any horse, ox or mule, or any other animal on the side walks or public square, or in any way doing any damage to such side walks, and public square. Side walks.

14th. To restrain drunkards, immoderate drinking or obscenity in the streets of said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same. Drunkards, &c.

15th. To establish the grade of all streets designated in the village plat. Streets.

SEC. 3. In all cases in relation to which, by the provisions of this act, the board of supervisors shall have power to enact or pass ordinances or by-laws, in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars, for any one offence, in violation thereof, and may provide that in default of payment of any judgment, rendered for such violation, the offender may be imprisoned for such time as they may in such ordinance direct, not exceeding thirty days. Violation of ordinances—punishment.

SEC. 4. All suits for the violation of any ordinance, may be commenced in any court of competent jurisdiction, and the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought; the defendant may plead to the general issue and give the special matter in evidence, and a printed copy of the ordinance published in a newspaper or pamphlet by authority of the supervisors, shall be *prima facie* evidence of the passage and publication of such ordinance. Suits.

SEC. 5. Every execution issued upon judgments for the violation of any ordinance or by-law, shall contain a clause directing, in case of the non-paymant of the judgment, the imprisonment of the defendant in the county jail, for such time as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village. Execution.

SEC. 6. Any ordinance, rule or by-law imposing any penalty or forfeiture, for the violation of its provisions, Require publication.

shall be published one week in some newspaper in the county, before the same shall be in force, and proof of such publication by affidavit of the printer, or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, rule or by-law, in all courts and places.

No person incompetent as judge, &c.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror, by reason of being an inhabitant of said village, in any action or proceeding in which the village is a party interested.

Street commissioner—duty.

SEC. 8. The supervisors shall have power to appoint one street commissioner to lay out, open and keep in repair, grade, pave and repair, or otherwise improve streets, avenues, lanes, alleys, sewers, side walks and cross walks; who, when so employed, shall receive the same compensation for his services that overseers of roads receive by law.

Application to grade streets.

SEC. 9. Whenever two-thirds of all the resident owners of real estate bounding both sides of any street or part of street, not less than twenty rods in length, within the village, shall desire to have such street graded, paved, or otherwise improved, they may make an application in writing to the supervisors of the village, specifying in such application the sum necessary to be raised for that purpose; and the said supervisors shall levy and cause to be collected such sum, by tax, on all the owners of real estate and lots on such street or part of street; said tax shall be levied on the last assessed valuation of the real estate and lots respectively, as shall appear upon the assessment roll of said village.

Application to build side walks.

SEC. 10. When two-thirds of all the resident owners of real estate and lots bordering on one side of any street or part of street, shall desire to have a side walk built or repaired, the application shall be made for that purpose to the supervisors, and the tax for building or repairing such side walk shall be levied as prescribed in the preceding section.

Street tax.

SEC. 11. Whenever the supervisors shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing any side walk, they shall make out and deliver to the street commissioner such tax to be collected and ex-

pended, a list of persons and a description of property taxed, and thereupon the said street commissioner shall notify personally, or by leaving a written notice at his usual place of residence, each person named in such tax list, who resides in said town, of his or her liability to pay the same; and shall specify a time not less than twenty, nor more than thirty days, in which the tax shall be paid.

When to return tax list, &c.

SEC. 12. At the expiration of sixty days from the time the street commissioner shall have received such tax list, he shall return the same to the supervisors, accompanied by a statement, verified by affidavit, subscribed therein, showing the amount of tax collected, and the items of expenditure, as also the taxes that which remain unpaid, and the names of the persons and description of the real estate and lots to which such unpaid taxes stand charged.

Clerk—directions for making out assessment roll.

SEC. 13. The village clerk, in making out the duplicate assessment roll of said village next thereafter, shall enter such unpaid taxes therein, in a separate column, with ten per cent. interest added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of said village are collected; and when so collected, they shall be paid over to the street commissioner, on the order of the supervisors, to be expended on the street or side walk for which they were originally assessed.

Legal voters.

SEC. 14. The legal voters of said village are hereby authorized and empowered at any annual election of said village, or any special election of the same, legally called for that purpose, to raise by a tax on all the taxable property of said village, any sum or sums of money necessary to provide the means to carry into effect any of the provisions of this act; which shall be levied, assessed and collected as other taxes are by law levied, assessed and collected in the several towns in this State, unless otherwise provided in this act; *Provided*, The amount so raised shall not, in any one year, exceed two per cent. on all the taxable property in said village.

Proviso.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 154.

An Act to incorporate the Arena Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. William Henry Brisbane, Edward Harwood, William A. Brodie, John Laughlin, John Hallowell, Benjamin L. Brisbane, Amanda Louisa Beaumont, and all such persons as shall hereafter become associated with them, by subscription to the capital stock of the company created by this act, and their successors and assigns, are hereby created and de-

Style.

clared a body corporate and politic, by the name and title of the Arena Manufacturing Company, by which name said company shall ever be known, and shall be capable in law and equity, of suing and being sued,

Capable of.

pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever, and may have and use a common seal, and the same break and alter at their pleasure, and may purchase and hold, and convey estate, real and personal, and mixed, for the use and benefit of said company.

Capital stock.

SEC. 2. The capital stock of said company, shall not exceed two hundred thousand dollars, and shall be divided into shares of twenty dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe.

Business of company.

SEC. 3. The business of said company shall be the manufacture of paper, thread, yarn, linen, and other fabrics, from a plant or plants, known as the paper plant of Mrs. A. L. Beaumont, and of all plants belonging to the same natural order; and the said company shall have the exclusive right, not inconsistent with patent rights, granted under the constitutional laws of the United States, of manufacturing paper, linen and other fabrics, from the said plant, and all other plants belonging to the same natural order, for the period of ten years; *Provided*, That the exclusive privilege shall not extend to any plant now used for manufacturing purposes; and the said company is hereby vested with all

the power, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as herein specified and set forth, and to this end may create, purchase and hold water powers, erect mills, buildings and manufactories, and use water, steam or wind power, for driving machinery in them as they may deem expedient, and may in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any or all writings and agreements, notes, bonds, mortgages, releases or acquittances, on real or personal estate, belonging to said company, in due prosecution of their business, or as security for any loan of money borrowed by or due from said company, to any person or persons, or any body corporate.

Management.

SEC. 4. The property and business of said company shall be managed and conducted by a board of not less than three, nor more than seven directors, all of whom shall be stockholders, and a majority shall constitute a quorum for the transaction of business, and after the present year, shall be elected annually by the stockholders of said company, on the second Monday in July of each year, and which time shall be the annual stockholder's meeting. It shall be the duty of the directors, to cause notice to be given to all the stockholders of such annual meeting, and choice of directors, by a notice not less than one month next preceding the time and place of such meeting, in a newspaper published at Mineral Point or Madison, or deposited in some post office, directed to each of the stockholders in said company; and at all elections for directors, each stockholder shall be allowed to cast one vote for every share of the capital stock of said company, he may hold, and may vote the same in person or by proxy, duly authorized, agreeably to the by-laws of the company.

Duty of directors.

First board of directors.

SEC. 5. The corporators named in the first section of this act, to-wit: William Henry Brisbane, Edward Harwood, William A. Brodie, John Laughlin, John Hallowell, Benjamin L. Brisbane and Amanda Louisa Beaumont, are hereby declared to be the first board of directors in said company, who shall hold their offices until the second Monday in July, A. D., 1858, and until their successors are elected, agreeably to the provisions in the preceding section, and in case that from

any cause, an election shall not be held at the regular time specified therefor, the same may be held at any time thereafter, upon notice being given in the same manner as provided for the annual meeting, and until such election, the directors of the preceding year shall continue to act; and this charter shall not be void by reason of any irregularity in or want of such election.

Vacancies. In case of a vacancy occurring in the board, by death or resignation of either of the directors, such vacancy shall be filled by the remaining members of the board, by the appointment of a director or directors, from among the stockholders.

Open books. SEC. 6. Books for subscription to the capital stock of said company, may be opened at such time and place, and subscriptions received from such persons, and in such manner, and subject to such payments, as may be prescribed by the board of directors.

Government. SEC. 7. The board of directors of said company may make and adopt all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary to conduct and manage properly and advantageously, the business and affairs of said company, and to define the duties of all officers; and shall have power to call special meetings of the stockholders at any time, by giving written or verbal notice to them, of the time and place of meeting, and of the object thereof, at any time not less than one week previous to said special meeting.

Special meetings.

President—duty. SEC. 8. The directors of said company, appointed by this act, shall within two months after this act goes into effect, appoint one of their number president, who shall hold his appointment until a new board of directors shall have been chosen, and it shall be his duty to preside at all meetings of the directors and stockholders during his term, when present; and all future boards of directors shall, immediately after their appointment, elect from their number a president, whose duties shall be the same as prescribed in this section, and who shall also perform such other duties as the by-laws of said company shall prescribe, and each of the respective boards of directors shall also appoint from among the stockholders, a treasurer of said company, and secretary, who shall hold their appointments during the pleasure of the board, and whose duties shall be defined by the by-laws of said company, and all

Other officers.

the by-laws established by the company, and all rules and regulations may be altered, amended or abrogated, in the manner to be provided for in the by-laws of said company. The by-laws made and established by the board of directors, shall be submitted to a meeting of the stockholders, called for that purpose, in the manner provided for special meetings, and the stockholders may by major vote, approve or reject the same, in whole or in part, but such special meeting as is provided for in this section, for revising and adopting by-laws, shall not be necessary after the first year of the organization of said company, but in all subsequent years, any additional by-laws, and changes in existing ones, shall be submitted to the stockholders, in their annual meetings, for their approval and adoption. By-laws.

SEC. 9. The office of said company shall be in the town of Arena, and where all meetings shall be held for the transaction of business by the stockholders. Business office.

SEC. 10. This act shall take effect from and after its passage.

Approved March 2, 1857.

Chapter 155.

An act to incorporate the "Paoli Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Peter Clark, N. M. Matts, Alonzo Wells, A. B. Benedict, Marcus Bullard, John Webb, Varnum S. Parkhurst, Brant Coryell, Peter W. Matts, and such other persons as may hereafter be associated with them, be and are hereby created a body politic, and corporate, with perpetual succession, by the name and title of the "Paoli Academy," to be located in or near the village of Paoli, in Dane County, for the purpose of educating youth, by which name they and their successors shall forever be known. Corporators. Style.

SEC. 2. The said corporation shall have power to sue and be sued, to contract and be contracted with, plead Power.

and be impleaded, defend and be defended, in all courts of law and equity, and further, shall have power to purchase, use, possess, hold and enjoy property, real, personal and mixed, or to receive as gifts for the purposes above mentioned, and to sell, lease, convey, rent or otherwise dispose of the same at pleasure.

Capital stock.

SEC. 3. The capital stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed in the by-laws of said corporation.

Organization.

SEC. 4. Any three of the above named persons shall have power to call a meeting of said association for the purpose of organizing the same, by posting three notices, in different places in the town of Montrose, and at all elections and meetings of said association, each stockholder shall be entitled to cast one vote for each share of stock owned by him or her, and such vote may be given either in person or proxy.

Board of trustees.

SEC. 5. At the first or any subsequent legally notified meeting, the said persons above named, and their associates, or a majority of them, shall have power to elect a board of trustees, to consist of not less than three nor more than fifteen, as they may determine, who shall be stockholders in said corporation, and who shall hold their office for such time as shall be determined upon by the above named persons, or provided for in the by-laws, previous to their election, and until their successors are chosen, and they may fix a time in their by-laws for their annual meeting, and a majority of the trustees shall constitute a quorum for the transaction of business.

Board of trustees to elect officers, &c.

SEC. 6. The board of trustees shall have power to elect from their number a president, secretary, and treasurer, and also to appoint all other subordinate officers of the corporation, to call special meetings of the stockholders for the purpose of filling vacancies, which may occur in the board of trustees, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, if directed so to do by a vote of the stockholders of said association, to erect and keep in repair all necessary buildings, to employ suitable teachers, and prescribe and direct the course of studies to be pursued, and the discipline to be observed in said academy, to prescribe the duties and fix the

salaries of all officers of said corporation and to remove and suspend them from office for incapacity, immoral conduct or misbehaviour in office; they may also procure a common seal for the said corporation, which they may at any time alter or renew, and shall adopt such a code of by-laws for the government of said corporation as they shall deem necessary, not inconsistant with the constitution and laws of this State.

Exempt from taxation.

SEC. 7. The library, cabinet, apparatus and books, and all lands actually and exclusively used and occupied by said corporation, not exceeding twenty acres, shall be exempt from taxation.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 156.

An Act to incorporate the Sheboygan and Horicon Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. David Taylor, Charles Mercer, Peter Ernst, Charles T. Moore, David Giddings, John E. Thomas, Dennis A. Reed, Orrin Rogers, Sherman Cummings, Reuel C. Bragteton, P. Potter, William W. King and Peter Winter, shall be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Sheboygan and Horicon Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places, by publishing the same in one newspaper printed at the city of Sheboygan and village of Horicon, in the county of Dodge,

Opening books.

Capital stock.

SEC. 2. The capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each, and as soon as two hundred shares of stock shall be subscribed and five dollars of each share

actually paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Sheboygan and Horicon Railroad Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, leasing and conveying estate, real, personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue and be sued, plead and be impleaded, may have a common seal and may alter the same at pleasure, and generally may do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

Style.

Election of directors.

SEC. 3. The said commissioners or a majority of them, after the said two hundred shares of such stock shall have been subscribed as aforesaid, shall give at least thirty days notice in the newspapers heretofore mentioned of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall meet on the second Wednesday of January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid; *Provided*, That previous to the first election, the commissioners hereinbefore mentioned shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors; *And Provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceeding year shall continue to act and that this charter shall not be avoided by reason of the irregularity or want of such election; *And Provided also*, That in case of vacancy from the death, removal or resignation of any director, his place may be filled by a majority of the board of directors.

Provisos.

Management.

SEC. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed by the stockholders of said company; the

votes to be delivered in person or by proxy, duly authorized; which directors shall appoint one of their own number to be president, and shall respectively serve one year or until other directors are elected; they shall have power to make and establish such by-laws, rules and regulations not inconsistant with the constitution and laws of this State, as may be necessary for the well ordering of the affairs of said company.

Stockholders and stock.

SEC. 5. None but stockholders shall be elected directors, and every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors the thirteen stockholder sreceiving the highest number of votes shall be declared duly elected.

Meeting and quorum.

SEC. 6. The said directors shall meet at such times and places and be convened in such manner as they may hereafter decide upon; a majority of said directors shall be a quorum for the transaction of business who, in the absence of the president, shall appoint a president *pro tem.* The said directors shall appoint a treasurer, a secretary and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required, at a reasonable period not less than sixty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such contracts, covenants and agreements with any person, copartnership or body politic whatsoever, as the construction and management and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company; *Provided*, That no installment called in at any one time, shall exceed twelve dollars per share, and that no installment shall be called for by the directors without at least thirty days notice thereof, in the newspaper hereinbefore mentioned.

Officers.

Tolls.

Proviso.

Certificate of stock.

SEC. 7. The directors chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject however to all payments due, or to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Annual meetings.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meetings; but no business shall be transacted at such special meetings unless a majority in value of the stockholders shall attend in person or by proxy.

Powers of company.

SEC. 9. The said company shall have the power to locate and construct a single or double track railroad from the city of Sheboygan, in the county of Sheboygan, by the way of Shebogan Falls, in said county of Sheboygan, to the village of Horicon, in the county of Dodge, and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by combination of these; and they shall also have power to make, construct, and erect all such side tracks, turn outs and connecting track, and also such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company, for the use of said railroad, and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin, and consolicate the capital stock of said company with the capital stock of any company with which the roads of said companies shall intersect, and shall have full power to place the road of this company, and its capital stock (to consolidate) [so consolidated,] under the direction of a joint board of directors, to be chosen on such (terms)

[times] as the directors of the companies consolidating their capital stock shall agree upon.

Limitation of act.

SEC. 10. If said corporation shall not within three years commence, and within ten years from the passage of this act complete the construction of said railroad, then the rights, privileges and powers of said corporation under this act shall be void.

May enter on any land and occupy same.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands, not exceeding one hundred feet in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized by their officers, engineers, agents and servants, to enter upon lands adjacent to the road beyond the limits of one hundred feet, in the manner provided in this act, where necessary, for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains, and giving a proper direction to water courses across or along said road, where the same are necessarily beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel and stone taken from cuts, and to obtain earth, gravel, stone and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all lands so acquired, and all damages which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided; and where such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments, shall vest in said company for the purposes aforesaid.

When corporation cannot agree with owners, commissioners to be appointed to determine damages.

SEC. 12. When said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity or absence of any such owner or owners no such agreement or purchase can be made, then and in that case it shall be lawful for any judge of the supreme court of this State, on application of said company, and at the cost and charge of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, to view and examine the lands so taken, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or requied by said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said road or works appertaining thereto, and it shall be the duty of said company to give three [weeks] notice of their application to the judge of the supreme court, for the appointment of said commissioners, to be published for three successive weeks in a newspaper published at the capital of this State, and also in a newspaper, if there shall be any published, in each of the counties through which said road may be located, and the affidavit of the publisher or printer shall be legal evidence of such publication; and the persons so apppointed before entering upon the discharge of such duties, shall take an oath before some justice of the peace or person competent by law to administer oaths, faithfully and according to the best of their abilities to examine the land so taken or required by said company and impartially to estimate and ascertain the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking thereof by the said company, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damage, if any, which may accrue to such owner or owners, as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of said clerk of court to file the same, and in case

no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then the said clerk shall record the same, at the expense of said company, and judgment of the said court be entered thereon, on motion of either party, at any term of said court: *Provided,* That either party may appeal to said court within thirty days after said report shall have been filed in the clerks office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same, shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same to such owner or owners for the construction of such railroad, and judgment of court shall be entered accordingly: *Provided also,* That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competant testimony, that the said owner or owners have at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin; and if the said owner or owners shall be minors or *non compos mentis,* or absent from the State, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct; *Provided also,* That upon making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein, to the owner or owners of any such lands, his, her, or their legal representative, the said company, their agents, or the contractors for making or repairng said railroad may immediately take and use the same, without awaiting the issue of any appeal brought thereon. Proviso. Proviso. Proviso.

SEC. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, the said company shall be entitled to the estate and in- Judgment.

terest in the same as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same; *Provided*, That the cost of any proceedings and judgments specified in the last preceding section, shall be taxed by the court and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for the the same or less sum than that reported by the said commissioners.

Proviso.

How railroad to be constructed.

SEC. 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same, and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or road to pass over or under such railroad without [inconvenience]; *Provided*, That in cases where said railroad may cross or come in contact with any public road so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before; and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

Convenience of persons.

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require; *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross said railroad on any farm, the person owning or possessing such farm, shall

Proviso.

not be entitled to require said company to make additional causeway.

How act to be construed, &c.

SEC. 16. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the State of Wisconsin, shall be received as evidence thereof.

Wilful injury to road—punishment.

SEC. 17. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said railroad, or shall remove or damage any part thereof in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not and shall be punished for every such offence by imprisonment in the State prison, for a term of not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the p acing such obstructions or injury to said road, said party shall be liable to pay all such damages to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said railroad, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the laws in such cases made and provided.

May borrow money.

SEC. 18. The said railroad company are hereby authorized and fully empowered in their corporate name and capacity, to borrow any sum or sums of money, from any persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company, [and] any person or party of whom such money shall be obtained, and make and execute in their corporate name, all necessary writings, notes, drafts, bonds or other papers, and make, execute and deliver such securities, in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this State, or any other State where such transaction may be made to the contrary notwithstanding, and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carry out the object of said company, namely: the construction of said road from Sheboygan city, in the county of Sheboygan, to Horicon, in the

county of Dodge, via the village of Sheboygan Falls, in the county of Sheboygan, aforesaid, and the contracts and official acts of said company, are hereby declared binding in law and equity, upon said corporation, and all other parties to said contracts.

Lawful for company.

SEC. 19. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings, and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

In case incumbrances.

SEC. 20. In case there shall be incumbrances upon the land taken, as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed, as hereinbefore provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk, to the said owner of the said land, or his lawfully authorized agent, upon the removal of the said incumbrances.

Power to use any railroad with which company may intersect.

SEC. 21. The corporation hereby created, shall have power to enter upon and use any railroad with which this road may intersect, for all purposes for which such roads are ordinarily used, upon such terms as the several corporations owning such roads can agree, and if they cannot agree, then, upon such terms as shall be fixed upon by three commissioners, to be appointed by the supreme court, upon the application of either party, and upon such notice, and in such manner as said court shall direct. The railroad hereby authorized to be built, shall be subject to be entered upon and used by all other roads, under the provisions and liabilities of this section.

Transportation of U. S. mails.

SEC. 22. The government of the United States shall have the right to require the corporation hereby created to transport over said road all mails, at such rate as may be agreed upon by said government and said corporation; and in case of disagreement, the terms of said transportation shall be fixed in the same manner as is provided in section twenty-one, for the disagreement therein specified.

Power of stockholders.

SEC. 23. The stockholders of the said company, at any annual or special meeting of said stockholders,

called in pursuance of the provisions of this chapter, are authorized to reduce the number of directors from thirteen to such number not less than seven, as the majority of said stockholders shall deem most conducive to the interest and welfare of said company. The number so determined upon shall be entered upon the records of said company, and shall be elected in the same manner, and in all respects be possessed of the same powers as if the number consisted of thirteen.

Erect fences.

SEC. 24. The said company, before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosure entire; and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road through all such enclosed ground, and shall maintain the same.

SEC. 25. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 157.

An Act to incorporate the Green Bay and New Franklin Plankroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Louis Carabin, Louis Hœffel, Geo. S. Armstrong, Hazin Moores, Frederic A. Lathrop, Sam'l. A. Marshall and H. Eugene Eastman, are hereby created a body corporate by the name, style and description of the Green Bay and New Franklin Plankroad Company, with perpetual succession, and by that name shall be and are hereby capable in law to purchase, hold, enjoy, retain to them and their successors, lands, tenements and hereditaments so far as may be necessary for constructing a plankroad as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of; to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, and also to make, have

Style.

Capabilities and power.

and use a common seal, and the same to alter or renew at pleasure, and generally to do and perform all and singular the acts and matters which to any corporation shall appertain to do and perform for the well being of said corporation.

Capital stock.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient; and so soon as one hundred shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

Opening of books.

Election of directors.

SEC. 3. The said corporators or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders to meet to elect directors; *Provided*, That until the first election of directors, the said corporators above named, upon the subscription of one hundred shares of stock, and the organizing of said corporators by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company, shall be taken and held to have begun and be completed as if a regular election of directors had taken place, and in case of vacancy at any time happening in the board of directors or in the said board of corporators, acting in the capacity of directors, the board shall have power to fill such vacancy.

Proviso.

Management.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person, or by proxies duly authorized; and in all elections, and in all discussion of all questions acted upon at any meeting of the stockholders, each share of the

stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections, when the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Quorum and officers.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company shall be effectual and binding upon the members of said company, and all persons interestered therein, as if the same formed a part of this act of incorporation.

Further powers.

Installments.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to accept, in behalf of the company, a relinqishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases, discharging them from all liabilities thereafter, for, or on account of the acts of said company or its officers.

Tolls, certificates, &c.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interest of the said company may require; and may issue to each stockholder a certificate or certificates, for the share or shares which he, she or they may subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall

be signed by the president, and countersigned by t secretary of said company; and said certificate or ce tificates shall be transferable in the manner prescrib by the by-laws of said company.

Location of road.

SEC. 8. The said company may agree and contra with the Green Bay and Kewaunee plankroad compa for the use of their track and route, upon such ter and conditions as shall be satisfactory to the said pa ties contracting, and shall have power to locate a construct a single or double track road from the city Green Bay, commencing on Madison street in said ci thence north across the east or Devil river, thence e on private claim number one (1) as far as said cla extends, and thence by such route as may seem to t directors of said company most practicable to the to of New Franklin, in the county of Brown; *Provide*

Proviso.

That from the point of commencement in the city Green Bay to the east line of said private claim numb one (1), the said company ————. The track of sa road shall be constructed of plank, stone, gravel, cha coal, or other fit material, or either, in whole or in p each at the option of the directors, so that the sa when completed, shall constitute a firm, regular, a proper surface.

May enter on any lands, &c.

SEC. 9. It shall and may be lawful for said compa their officers, engineers and agents, to enter upon a lands for the purpose of exploring, surveying and l cating the route of said plankroad, doing thereto unnecessary damage, and when said route shall be d termined by said company, it shall be lawful for the their agents, officers, engineers, contractors and serva at any time, to enter upon, take possession of and u such lands, not exceeding four rods in width, along t line of said route; subject, however, to the payment such compensation as the company may have agr to pay therefor, or as will be ascertained in the man

Proviso.

hereinafter directed; *Provided*, That in such places may be necessary for the company to obtain gravel a stone, or to make excavations and embankments for t construction of said road, the company may locate t route of said road, not to exceed four rods in width, a they may also cut down such trees, on each side of su road as may endanger said road by falling, or oth wise.

When corporation cannot agree with owners of land —determining damages.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel or stone or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence of legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of seven freeholders of said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, or a day in said warrant named, not less than five, nor more than ten days from the date of the said warrant, and if at the time and place named, and of the persons so summoned, do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of seven jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person, or by attorney, the sheriff or constable shall for him, or her, or them, strike off each two of said jurors, and the remaining three shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by the reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice of the peace; and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or

to be taken, or the boundaries of land in question an
the value thereof as aforesaid, and such valuation, whe
paid, together with costs of such inquisition, or tende
ed to the owner or owners, or deposited with the sa
court, shall entitle the said company to the estate a
interest in the same, thus valued, as if it had be
conveyed by the owner or owners thereof, so long
the land thus valued and taken shall be used for t
Proviso. track of said plankroad; *Provided*, That it shall not
lawful for any justice or jury of inquest, to proceed
such valuation of any such property or material, in t
absence of the owner or owners thereof, his, her,
their legal representatives, unless it be made to appe
by affidavit that such owner or owners have had,
least five days notice of the time and place of meetin
for the purpose of making such valuation, or unless
shall, in like manner be shown that such owner
owners are under age, or *non compos mentis*, or abse
from the country in which such land is situated. Su
service of notice may be made upon the guardian
trustee, the same restrictions as in the case of owne
or if there be no guardian or trustee, the same shall
Proviso. established by affidavit; *Provided*, That no such m
terials shall be taken, if the jury shall decide that
same are essential to the owner or owners there
Proviso. *Provided*, That any party conceiving himself aggrie
by any decision herein stated, may, in every such c
appeal from such decision to the circuit court of
county in which the property in question is situated,
in ordinary cases of appeal.

Power. SEC. 11. The directors shall have power, in th
discretion, to construct said plankroad along or up
any road or highway now or hereafter to be laid
opened and established by the proper authorities,
of such width and in such manner as the said di
Proviso. tors shall determine; *Provided*, They procure,
agreement with the supervisors at any time, the r
to take and use any part of any public highwa
such town, for the construction of such proposed r
and agree with such supervisors upon the amoun
compensation and damages to be paid by said comp
to such supervisors therefor; every such agreem
with the supervisors shall be in writing, and shall
filed in the town clerk's office of said town; and s
compensation and damages, when paid to the su

visors, shall be expended by them in improving the highways of such towns; and they may erect toll gates, and may exact toll from persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile; *Provided*, Persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid. Proviso.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal security, subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for said stockholders, paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company, interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were payable to individuals or to their order or assigns. May receive real or personal security in payment of stock,

SEC. 13. If any person shall willfully or knowingly obstruct, break, injure or destroy the said road, to be constructed by said company, or any part thereof, or any work, building, or fixtures, attached to or in use Willful damage to road—punishment.

upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Willful injury to gate—punishment.

SEC. 14. Any person who shall willfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or, to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or grounds adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

May increase capital stock

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for carrying [on] the same.

When act is null and void.

SEC. 16. If said corporation should not within three years from the passage of this act, commence the construction of said plankroad, and expend two thousand dollars or more thereon, then the rights, privileges and powers of said corporation, under this act, shall be null and void.

Subject to revised statutes.

SEC. 17. The road to be constructed by the corporation hereby created, shall be subject to the provisions of sections thirty-nine, forty, forty-one, forty-two, forty-three and forty-four of chapter fifty of the revised statutes.

Relative to act.

SEC. 18. This act shall be favorably construed to effect the purposes therein intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof.

Approved March 2, 1857.

Chapter 158.

An Act to amend an act entitled "An Act to incorporate the City of Beaver Dam, approved March 18, 1856."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two (2) of chapter one (1) of an act entitled "An Act to incorporate the city of Beaver Dam, approved March 18, 1856," is hereby so amended as to read as follows: "All that section of country in towns No. eleven (11), and twelve (12), north of range fourteen (14) east, to wit: section No. four (4), and east three-fourths (¾) of section five (5), and the west one-fourth (¼) of section three (3) in township No. eleven (11), and section No. thirty-three (33), and the east two-thirds (⅔) of section No. thirty-two (32), and the west half of thirty-four (34), the south half of twenty-eight (28), and the east three-fourths (¾) of the south half of twenty-nine (29), and the south-west quarter of section twenty-seven (27), in township No. twelve (12), north of range No. fourteen (14) east, aforesaid, shall be included in and constitute the limits of the city of Beaver Dam." Amendment.

SEC. 2. Section nine (9) of chapter three of said act is hereby so amended as to read as follows: "The common council shall annually provide that all printing authorized and required by them to be done for their use, for the city, shall be done by contract to the lowest responsible bidder for the term of one year, and may require sufficient security for the faithful performance of said contract. All ordinances, resolutions, notices, and other proceedings required by the act hereby amended, or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section; and the printer of said newspaper shall either in person, or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution, by-law, or proceedings." Amendment.

SEC. 3. Sections twelve (12) and thirteen (13) of chap- Repealed.

ter three (3) of said act is hereby repealed, and the office of police justice abolished.

Annual elections—when held.

SEC. 4. The time for holding the annual election of said city shall be the second Monday of March, in each and every year, and so much of section two of chapter two (2) of said act as provides for any other time for holding said election is hereby repealed.

Amendment.

SEC. 5. Section one of chapter ten of said act is hereby amended so as to read as follows: "All work for the city, or either ward thereof, shall be let by contract to the lowest responsible bidder, unless otherwise ordered by the common council, and due notice shall be given of the time and place of letting such contract."

Repealed.

SEC. 6. So much of sections 4 and 5 of chap. 6 of said act as provides that the senior aldermen of the several wards shall be street commissioners of their respective wards is hereby repealed; and there shall be elected at each annual election in said city, by the qualified electors of said city, one street commissioner, who shall be a resident of said city and a qualified voter therein; he shall hold his office for one year, from the time of his election and until his successor is elected and qualified, and shall have the powers and perform the duties prescribed in said sections 4 and 5 of chapter 6 of said act, to the street commissioner therein named, he shall have all the powers and perform all the duties in the city of Beaver Dam now vested in, or imposed upon, the said street commissioner, by the act of which this is amendatory, or which may be prescribed by any ordinance of said city; he shall, before he enters on the duties of his office, execute a bond to said city of Beaver Dam in such a sum and with such security and conditions as the common council shall direct, and shall also take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of said city; and he shall receive such compensation as the common council shall, by resolution adopted before the commencement of his term, direct; which compensation shall not be increased or diminished during the term such officer shall remain in office.

Street commissioner—powers and duties.

Repealed.

SEC. 7. All laws conflicting with the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 159.

An Act to repeal Chapter 259 of the Session Laws of 1851, an act entitled "An Act to authorize the construction of a Dam across the Pickatonica River, in La Fayette County."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That chapter 259 of the session laws of 1851, an act entitled "An Act to authorize the construction of a dam across the Pickatonica river, in La Fayette county," be and the same is hereby repealed. Repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 160.

An Act to Incorporate the Galena and Southern Wisconsin Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Nicholas Dowling, Edw. H. Beebe, Madison Y. Johnson, Sylvester McMasters, Daniel A. Barrows, Lucias S. Felt, and Wellington Weyley, and their successors and assigns, being a body corporate under the laws of the State of Illinois by the name and style of the "Galena and Southern Wisconsin Railroad Company" be and the same are hereby created a body politic and corporate under the laws of this State, by the name and style of the Galena and Southern Wisconsin Railroad Company, and under that name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended, in all places whatsoever; and may have and use a common seal, and alter, break and renew the same at pleasure; and by that name and style shall have full power and authority to continue the construction of their said railroad in the State of Wisconsin, and lay Corporators. Style. Powers.

out, construct, complete, operate, alter, maintain, and continue a line of railroad, with a single or double track, from the county of Jo Davies, on the State line between the States of Illinois and Wisconsin to a point of intersection or connection with the line of the Milwaukee and Mississippi railroad company west of Monroe, at such point and on such terms and conditions as may be agreed upon between said companies; and for the complete construction, operation, continuance and maintenance of said railroad hereby intended to be constructed and operated, it shall and may be lawful for said company to acquire the right of way, and shall have all the usual facilities, privileges, franchises, immunities and incidents secured to, and be subject to all the restrictions imposed upon the Milwaukee and Mississippi railroad company under the laws of this State, so far as the same are applicable to the company hereby incorporated; and shall be capable in law of purchasing, leasing, selling and conveying estate, either real, personal, or mixed; and of consolidating their capital stock with the stock of the Milwaukee, Mississippi or Southern Wisconsin railroad companies in Wisconsin, and with the stock of any other railroad company in Illinois, on such terms and conditions as may be agreed upon; and all the franchises secured to either company are hereby transferred to the consolidated company; and generally may do all and singular the matters and things which to them may be lawful or appertain to the well being, good government, and management of the affairs of said company.

SEC. 2. This act shall be in force from and after its passage, and be a public act.

Approved March 2, 1857.

Chapter 161.

An Act in reference to Milton Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Joseph Goodrich, A. C. Spicer, Jeremiah Davis, Moses T. Walker, J. E. Culver, Isaac T. Smith, and C. H. Greenman, their associates and successors, are hereby declared a body corporate, legally organized and constituted under the name and title of the "Milton Academy," with all the functions, rights, immunities and powers granted and secured in and by an act entitled "An Act to incorporate the Milton Academy," approved March thirty-first, one thousand eight hundred and fifty-four, to certain individuals therein named; and that the said corporation shall hereafter exist and be vested with all the rights, privileges, immunities and powers granted and conferred by said act, and be subject to and governed by all the provisions of said act, and that all the acts and doings of the said corporators named in the aforementioned act of incorporation, and their associates and successors, heretofore done and performed, under and by virtue of the said charter, are hereby declared valid and binding in law. Corporators. Style. Rights, &c.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 162.

An Act to authorize a Cemetery Association in Milwaukee to organize with three Trustees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Carl Mathias, Joshua Stark, and Frederick Schupp, are hereby authorized to organize a Ceme- Corporators.

tery Association, under the provisions of chapter 48, revised statutes, which association shall be conducted by three trustees instead of seven, as provided in said chap. 48, R. S.

Approved March 2, 1857.

Chapter 163.

An Act to amend an act "to incorporate the Village of Horicon," approved March 29, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Village of Horicon.

SECTION 1. All that district of country included in section number six, in township number eleven, north of range number sixteen east, in the county of Dodge, and fractional lots numbers one, two, five and seven, in section seven in the same township and range, and also Connet's addition and Chandler's addition to the village of Horicon, shall hereafter be known and distinguished by the name of the village of Horicon; also the north half of section seven aforesaid, shall constitute a part of said village of Horicon.

Officers of village.

SEC. 2. The officers of said village shall hereafter consist of a president, (who shall be *ex-officio* a trustee), four trustees, one assessor, a clerk, treasurer and constable, who shall be elected as now provided by the charter of said village, and hold their office for one year, and until their successors shall be elected and qualified; and any vacancy in the office of president or trustee, may be filled by a special election, and any other of the offices, a vacancy occurring therein, may be filled by appointment of the trustees aforesaid. There shall also be elected by the electors of said village, a justice of the peace, who shall hold his office for two years, and who shall possess all the powers of a justice of the peace of the county of Dodge, and shall qualify in like manner; said justice of the peace may be elected at any annual meeting for the election of officers of said village, and when said office of justice of the peace shall become vacant, it may be filled at a special election. The trustees of said village

Vacancies—how filled.

shall have power to appoint a road commissioner and one or more fire wardens, for said village, whose powers, duties and term of office, shall be regulated by ordinances passed by said trustees. The justice of the peace elected as aforesaid, shall not be included in the number of justices to be elected by the town of Hubbard in pursuance of statute.

Further powers of trustees.

SEC. 3. The trustees of said village shall, in addition to the powers already possessed by them, have the following powers: First, to purchase and hold, and to hold already purchased, a burial ground in or near said village; to enclose, lay out, ornament and regulate the same; to sell and convey lots therein, by deed, under their corporate seal, and signed and acknowledged by the clerk of said village; and to pay for such ground, the said trustees are hereby authorized to issue the bonds of said village, or to issue their order drawn upon the treasurer of said village, payable at a future day. Secondly, to regulate and license shows, exhibitions or other public amusements and entertainments; to regulate and license billiard tables, bowling alleys and saloons; and also to regulate the running at large of animals in said village, to impound the same and to establish a pound and the fees for impounding the same, and to appoint a pound keeper and prescribe his duties. Thirdly, to establish, make and ordain such by-laws and ordinances, as shall be necessary and proper to preserve the quiet, peace and good order of said village; to impose penalties and enforce the same in the manner provided by law for the collection of fines and forfeitures, or as provided by the act incorporating said village.

Amendment.

SEC. 4. Section 19 of said act, is hereby amended as follows: It shall be lawful for the voters of said village at any regular meeting, or at a special meeting, called for that purpose, to decide how much and for what purpose taxes shall be raised, and all sums of money decided to be raised by tax, shall be duly assessed, levied and collected by the trustees of said village, as provided by the act incorporating the same.

Special taxes.

SEC. 5. Whenever any special tax shall be levied by the trustees of said village for the purpose of grading any street, making any pavement, side walk or cross walk, or for any other special purpose; for the purpose of collecting said tax the clerk of said village shall

maintain a dam and booms (now built) across the Oconto River, on lot three of section twenty-three, and lot four of section twenty-six, in town twenty-eight, range nineteen, said dam not to exceed ten feet in height above high water mark; and the said Rufus Andrews, his associates, successors, heirs and assigns, shall construct and maintain a good and sufficient slide in said dam, so constructed or maintained, for the free and [un]obstructed passage of logs, lumber, rafts, run down the river.

Maintain a boom.

SEC. 2. Also, to maintain a boom commencing at the dam and running up the river along lots five of section twenty-six, and lots three and four of section twenty-two, with a boom crossing the river at the head of each side boom, for the purpose of dividing logs; the passage of lumber or rafts, not to be unnecessarily detained on account of said boom; and the said Rufus Andrews, his associates or assigns, shall construct a swing in said boom, and shall at all times during a running stage of water in said river, attend, at their own expense, the opening of said swing, so as to give free and unobstructed passage to all rafts, logs or other lumber passing down said Oconto river.

SEC. 3. This act shall take effect on and after its passage.

Approved March 2, 1857.

Chapter 165.

An Act to amend an act entitled "An Act to incorporate the village of Menasha, approved July 5, 1853."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Streets, alleys, and public walks.

SECTION 1. The president and trustees shall have power and authority to lay out new highways, streets, alleys and public walks, and to vacate or alter such highways, streets, alleys and public walks, as in their opinion shall not be of public utility; to regulate, grade, pave and improve streets, avenues, lanes and alleys, and to extend, open and widen the same, and notice of

the passage by the board of trustees of any order for laying out, vacating, changing or altering said highways, streets, alleys and walks, shall be given by publishing notice of said order in some newspaper printed in said village, immediately after the passage of the order aforesaid; and if any person shall claim damages by reason of the laying out or vacating, changing or altering thereof, and shall file his notice of such claim in writing with the clerk within thirty days after the order for laying out, vacating or altering, shall have been made by the board of trustees, said board shall cause the damage, if any, over and above the benefit accruing thereby to such claimant to be assessed by a jury as herein provided.

Jury to assess damages.

SEC. 2. The said board of trustees shall, at the expiration of thirty days, after the making and entering of any order for the opening and laying out, extending or vacating any highway, street, alley or public walk, cause to be summoned six good and lawful freeholders, inhabitants of said village, (and not directly interested,) who, being first duly sworn for that purpose, shall take into consideration, as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the laying out, opening and extending, or widening of any street, avenue, alley or public walk as aforesaid, and shall return the same within six days to the board of trustees, under their hands and seals, which shall be paid out of the village treasury.

Improvement of streets.

SEC. 3. Upon the application in writing of a majority of the resident owners of lots or parcels of land upon any street, part of a street, or highway, the board of trustees shall have power, and are hereby required, to cause to be graded, gravelled, paved or planked, any street, highway, or part thereof, within said village, and to levy and collect a special tax on the lots and lands, bounding or abutting on such street, highway, or side walk, in proportion to the front of such lots or lands respectively, for the purpose of defraying the costs of the same, in addition to the ordinary tax authorized by the act of which this is amendatory, to be levied and collected in the same manner as annual taxes are collected; and it shall be the duty of the board of trustees to provide, by ordinances, for assessing, equalizing and collecting of such special tax, and the property so

assessed shall be liable for the payment of the same and in case any tax mentioned in this section shall b returned delinquent, the proceedings for the sale of th lots or lands so returned shall, in all respects, be th same as in case of delinquency in the payment of th annual village taxes provided for in the act of whic this is amendatory, with the addition of like interes costs and penalty.

Lay out new highways, &c.

SEC. 4. Upon the application in writing of twelv freeholders of said village, said board of trustees sha have power and authority to lay out new highway streets, alleys and public walks, as in their opinio shall be of public utility, and may open and improv as provided for in the preceding section, so far as relat to levying the assessments for said improvements an enforcing the collection of the same, together with th penalties and forfeitures attached thereto.

Corporate limits extended.

SEC. 5. The corporate limits of said village are her by extended so as to include lots No. one (1), and tw (2), and the east half of the north-east quarter of se tion No. fifteen (15), and the north half of section N fourteen (14), in township twenty (20), north of rang No. seventeen (17) east, being in the town of Menash and adjoining on the north the present village of Me asha, and the said above described land shall be attach ed to and become a portion of the first ward of sai village.

Repealed.

SEC. 6. Any and all portions of the act of which th is amendatory, inconsistent with the provisions of th act, are hereby repealed.

President.

SEC. 7. The president of the board of trustees of sa village shall be a member of the county board of s pervisors, and as such shall have all the powers a privileges of chairman of the town boards of sup visors.

SEC. 8. This act shall be in force from and after passage.

Approved March 2, 1857.

Chapter 166.

An Act to lay out and establish a State Road from Black River Falls to Hudson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. George Silkworth, D. D. Cheney, George Olive, are hereby authorized to lay out and establish a state road from Black River Falls to Hudson. Corporators.

SEC. 2. Said commissioners shall be allowed such compensation as shall be allowed by the board of supervisors of the several counties through which the said road passed; *Provided*, That the expense shall not be paid by the state treasurer. Compensation. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 167.

An Act to amend an act entitled "An Act to authorize Joseph Mackey, his heirs or assigns, to erect and maintain, or keep up and maintain a dam across the Baraboo river, on the west half of section 10, in town 12, range (1) [4] east, in Sauk county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby so amended as to authorize Joseph Mackey, his heirs and assigns, to perpetuate and maintain a dam across the Baraboo river, on the west half of section ten, town 12, range 4 east, in Sauk county, at a height not exceeding that of eleven feet. Amended.

SEC. 2. Section two of said act is hereby so amended as to authorize the said Joseph Mackey, his heirs and assigns, or assigns at any time and as often as it may be necessary to apply for the appointment of commissioners to assess damages as is provided for in said act, and which said commissioners after being duly sworn Apply for appointment of commissioners to assess damages.

for that purpose by any person having legal authority to administer oaths shall proceed to assess damages upon the like notice and in like manner as is therein provided, and for that purpose may hear any evidence that may be offered in relation thereto, and either of said commissioners shall have legal authority to administer oaths to any witness who may be produced before them to give evidence in relation to such damages, and the same proceedings shall be had in all other respects and with like effect as is provided for by said act; *Provided, however,* That such damages shall be irrespective of any inhancement of the value of the land so injured by reason of the erecting and maintaining of said dam, or on account of the mills or other machinery run or propelled by the water taken from said dam.

Proviso.

Persons aggrieved may appeal.

SEC. 3. Section four of said act is hereby so amended as to read as follows: "Any person or persons considering him or themselves aggrieved by the award of said commissioners, may appeal therefrom within ten days from the time of filing such award to the circuit court held in and for the county of Sauk, in the same manner as is provided for appeals from the decision of commissioners appointed to adjust the demands and claims against the estate of deceased persons. When the said appeal shall be so perfected the said court shall have full power to hear and determine the same, and the same proceeding shall be had to determine the damages sustained, and for the perfecting of judgment thereon as in actions for damages originally commenced in said circuit court; *Provided, however,* That the party or parties so appealing from the award of the said commissioners assessing his or their damages, shall pay all costs and expenses of said appeal, in case the damages as determined in the said circuit court shall not be for a larger sum than that awarded by the said commissioners."

Proviso.

Amended by the following proviso.

SEC. 4. Section six of said act is hereby amended by adding thereto the following additional proviso: "*Provided, further,* That the said person or persons shall have at least six days prior to making application for the appointment of commissioners to assess his or their damages, served on the said Joseph Mackey, his heirs or assigns, written notice of his or their claim to damages, particularly describing in said notice the premis-

o claimed to be injured; *And provided, further*, That he said Mackey, his heirs or assigns, may within six lays after such notice tender him or them a sum in ross for his or their damages by reason of the erecting, naintaining and perpetuating the said dam aforesaid, nd if the sum so tendered shall not be accepted, and he said person or persons to whom the said tender hall be so made, shall proceed to have his or their amages assessed in the manner provided in said act, nd the amount so assessed by the said commissioners r in the said circuit court, or appeal shall not exceed he amount so tendered the said person or persons so stituting the said proceedings shall pay all costs of e same; *And, provided further*, That the time for aking such application to have his or their damages sessed shall be extended to ninety days after the pas-ge of this act."

When payment has been tendered.

SEC. 5. The following sections shall be added to id act: 1st. Whenever the said Joseph Mackey, his irs and assigns, or assigns shall have paid, satisfied or ndered the amount of the award or awards of said commissioners, or the amount of any judgment or judgments hich may have been entered thereon in the circuit urt in case of an appeal or otherwise, as provided in e said act, to the person or persons entitled to the me, or whenever the amount tendered to any person persons as and for his or their damages, shall be ac-pted without assessment, the right to overflow or set ater back by means of said mill dam upon said land lands, upon which the damages shall be so assessed d paid or tendered, shall become and be permanent the said Joseph Mackey, his heirs and assigns, ithout any farther liability, interference or molesta-n whatever; *Provided, however*, That if the said seph Mackey, his heirs or assigns, shall not pay or der the amount of such award or awards of dama-s, or judgment or judgments therefor, as the case may ; to the person or persons, party or parties entitled ereto, on or before the first day of the next regular y term of the said circuit court next succeeding the m of the said court, in which the same shall be ally entered up, then all rights or powers granted conferred by said act, as hereby amended, to keep , flow and set the water back upon the land or nds of the person or persons in whose favor the said

Proviso

award or awards, judgment or judgments shall have been obtained and not tendered or paid, as provided in said act, shall cease and determine, and the said circuit court may order and direct such dam to be removed to an extent so that it shall not flow or set water back upon the land or lands of the person or persons, party or parties whose damages shall have been assessed, as is provided in this act, and not paid as therein provided.

In case a suit has been commenced prior to passage of this act.

SEC. 6. In case of any suit commenced against the said Joseph Mackey prior to the passage of this act, and still pending in any court of this State, for the recovery of damages by reason of erecting and maintaining, or keeping up and maintaining a mill dam across the Baraboo River, on the west half of section ten in said act specified, the said Joseph Mackey may, in writing, offer to pay the said plaintiff or plaintiffs, in any such suit or suits, a sum, by him to be specified, as, and for his or their damages in said action so pending, together with all taxable costs up to the time of making such offer, which offer the said plaintiff in said suit may, within ten days next thereafter, accept by serving written notice of such acceptance on said Joseph Mackey, who shall pay or tender to said plaintiff or his attorney, the amount so offered, together with the costs to be taxed, within ten days from the time of notice of such acceptance, and of the taxation of said costs, which costs shall be noticed for taxation in the usual manner, which notice shall be served at the time of notice of acceptance of said offer, and upon the tender or payment of the amount offered and costs so taxed, the said suit or suits shall be dismissed and a common rule may be entered in the ordinary manner, dismissing the same; but in case said offer shall not be so accepted, the said plaintiff or plaintiffs shall pay all costs subsequently accruing in said suit or suits, in case the damages he shall recover in said suit or suits shall not exceed the amount of said offer.

Relative to act.

SEC. 7. This act shall be deemed a public act, and shall take effect immediately after its passage, and shall be published by the State printer.

Approved March 2, 1857.

Chapter 168.

An Act to amend "An Act to incorporate the Muskego Canal Company," approved March 31, A. D. 1854, and act amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section three of the said act of incorporation of the Muskego Canal Company, is hereby so amended as to empower and authorize the said company to drain the waters of the said Muskego and Wind Lake in such manner and direction as by actual survey shall appear the most feasible.

When company apply for patents, to give notice.

SEC. 2. Whenever the said Muskego Canal Company shall intend to apply to the board of school land commissioners to have patents issued for any such marsh, swamp or overflowed lands, which may be reclaimed by such drainage they shall give at least ten days notice to all adverse claimants of the time when such application will be made, by publishing such notice in a newspaper published in the county in which such lands lie. The said board of school land commissioners, at the time appointed in such notice, are authorized and required to have the claim of such company, and the evidence in support thereof, and also the objections and evidence, if any, and all adverse claimants of such lands, and if the said board of school land commissioners shall be satisfied on such hearing that the lands claimed by the said company have been reclaimed by them in the manner prescribed by this act of incorporation or subsequent amendments, and are embraced in the grant made to said company by said acts, and that said company have actually expended five thousand dollars in ditching and making canals to drain the said swamp and overflowed lands, then the said board, or a majority, shall so determine, and make and subscribe such determination in writing, and file the same in the office of the secretary of state, and thereupon it shall be the duty of the governor and secretary of state to execute and deliver to said company patents for such lands.

Duty of school land commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 169.

An Act to amend an act entitled "An Act to authorize the city of Fond du Lac to aid in the construction of the Sheboygan and Mississippi Railroad," approved January 31, 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section three of an act entitled "An Act to authorize the city of Fond du Lac to aid in the construction of the Sheboygan and Mississippi Railroad," approved January 31, 1857, is hereby amended, by repealing so much of said section as permits the commissioners created by said act to borrow money for the purpose of investing the same in the capital stock of the Sheboygan and Mississippi Railroad Company, or to subscribe for shares of stock in said company and pay for the same in the bonds of said city of Fond du Lac.

Voting on question of loaning credit.

SEC. 2. The time of voting on the question of loaning of the credit of the city of Fond du Lac, to aid in the construction of the Sheboygan and Mississippi Railroad, as provided in the act to which this is amendatory, shall be at the same time when, and place where, the question of loaning the credit of the said city of Fond du Lac, to the Milwaukee and Fond du Lac Air Line Railroad Company, shall be submitted to a vote of the legal voters of said city of Fond du Lac, pursuant to law authorizing such loan to said last mentioned company.

Ballots.

SEC. 3. At such election all ballots cast for aiding the construction of said Sheboygan and Mississippi Railroad Company, shall have written or printed, or partly written or partly printed thereon, the words, "For aid to Sheboygan and Mississippi Railroad," or those cast against such aid, the words, "Against aid to Sheboygan and Mississippi Railroad."

Repealed.

SEC. 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 2, 1857.

Chapter 170.

An Act to incorporate the Yellow River Improvement Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. William Williams, John Werner, Jr., Thomas Weston, George Hiles, H. Hurlbut, Guy Allen, E. R. Chadwick and T. Hadley, of the counties of Wood and Juneau, are hereby created a body corporate and politic, by the name and style of the "Yellow River Improvement Company," with perpetual succession to them and their successors and associates, and as such shall have all the powers and privileges incident to any corporation in this State, for the purposes hereinafter stated.

Style.

Management. SEC. 2. The affairs of said corporation shall be managed by a board of five directors, and the five persons first above named are hereby constituted the first board of directors. They shall have and exercise all the powers of such corporation in its corporate name, and shall and may elect and appoint a president, secretary and such other officers, agents and employees, as they may deem proper, and fix the compensation for each and every one of them, and remove and dismiss them at pleasure, and appoint and elect others instead, from time to time; may adopt, keep, use and alter at will, a common seal, sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, sell and convey real estate for the use of said company, the aggregate cost of which, owned by them at any time, shall not exceed twenty-five thousand dollars, together with personal property, not exceeding twice the amount aforesaid, in addition to such real estate; may make, ordain, establish and alter at pleasure, rules and by-laws for the government of themselves, their officers, agents and employees, not inconsistent with any law of this State; may keep an office, record minutes of proceedings and determine the amount and number of shares of stock of said incorporation and the amount of such shares, severally, which shall be uniform in amount, and the mode of subscribing and time of payment therefor, and the mode and place of

Capabilities and power.

issue and transfer of the same, and may forfeit such shares and all moneys paid thereon to the use of said company, for non-payment in full therefor, according to the requirements of the by-laws of said company, and may provide by such by-laws for the time, place and manner of electing future boards of directors, and for filling any such vacancy in such board, or any office where such vacancy is occasioned by death, resignation, inability or refusal to vote. But no omission or failure to elect directors at the time appointed for any such election, shall work an abatement, defeasance or forfeiture of any of the rights, privileges, immunities or franchises hereby conferred, but the directors hereby appointed or hereafter elected, shall continue directors with full powers, until successors shall be elected or appointed. There shall be holden an election of officers annually, and in case the officers of said company fail to provide for an annual election, the stockholders, representing a majority of the stock of said company, may give notice for and elect officers of said company.

Election of officers

Improvements

SEC. 3. The said corporation shall have power and is hereby authorized to make such improvements in Yellow River, in the counties of Wood and Juneau, in this State, as shall tend to facilitate and render more secure the running of lumber, square timber and sawlogs, shingles and laths, on said river; and for such purpose shall have power to remove all natural and other obstructions in said stream, and to remove from the banks of the same any logs or leaning trees liable to be floated into said stream or undermined by high water, and shall have the right to straighten the channel of said river in all places deemed necessary for the purposes hereinbefore mentioned; and shall have the right to erect and maintain on said stream, all dams, booms and other improvements, deemed necessary by said corporators, for the purposes contained in this act;

Proviso

Provided, That if said corporators shall at any time infringe upon the rights or property of any person or persons, they shall be liable for and pay all damages occasioned by such infringement, such damages to be assessed and ascertained as hereinafter provided; and at the cost and charges of said company, to appoint three disinterested persons of said county, to view and examine said land, and estimate the injury and dam-

ages, if any in their judgment, will be sustained as aforesaid, by reason of the location and construction of said improvements, and report the same under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day each, for their services, to be paid by said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land and materials, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered; *Provided*, That in case the owner of such land shall be under any legal disability, the cost of such assessment shall be paid by the said company; *Provided, further*, That either party may appeal to said court, within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court; *And, provided further, also*, That upon payment, or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of said county, the said company may immediately take and use the same without waiting the issue of said appeal. Proviso.

SEC. 4. The capital stock of said company shall be twenty thousand dollars. Capital stock.

SEC. 5. The said company shall have power to demand and collect toll on said river, as follows: For all lumber, square timber and saw-logs, ten cents per thousand feet board measure; for shingles, five cents per thousand; and for laths, five cents per thousand pieces, the same to be paid by the owner or owners of said lumber, timber, logs, shingles or laths, or by the person or persons having the same in charge, to the said company or their legal agent; but if said tolls or any part thereof, shall remain unpaid for the space of twelve hours after the said company or their agent has made a demand of the same, then and in that case the said company or their agents shall have the right and are hereby empowered to seize by writ of attachment, all property upon which such toll has been demanded and remains unpaid, and shall hold the same in pos- Power to collect tolls.

session by virtue of said writ until the tolls so demanded and due, together with the costs of suit, are fully paid, any law of this State to the contrary notwithstanding; *Provided*, That nothing herein contained shall authorize said corporation to demand or collect said tolls or any part thereof until the improvements mentioned in section three of this act, are fully completed from the mouth of said river to the south line of township number twenty-four, north of range number three east, in the said county of Wood, nor until said company have expended in improving the navigation of said river at least the sum of five thousand dollars.

Proviso.

When company enters on lands—how to determine damages.

SEC. 6. Whenever it shall be necessary for said company or its agents, to enter upon and occupy the lands of any person or persons, for the purpose of erecting or constructing any improvements on said river as contemplated in section three of this act, or for the purpose of procuring from any adjoining land the requisite materials, such as timber, stone or earth, for the construction of such improvements, and the owners of such land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such lands by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damages, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county in which the lands lie. The expenses incurred by such appraisers shall be defrayed by the company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such lands shall refuse or neglect to join in such appointments within twenty days after the requisition for that purpose upon him made, or if the owner shall be under any legal disability, or out of the State, then it shall be lawful for the judge of the circuit court of the circuit in which such lands lie, on application of either party.

Expenses—by whom defrayed.

Willful trespass—punishment.

SEC. 7. Any person who shall commit any willful trespass upon any of the property of this company, shall be deemed guilty of and punished as for malicious mischief, and shall also be liable in a civil action to said company, and in case such company shall

recover in any civil action against any trespasser or wrongdoer, in any action of trespass, or trespass on the case for tort, such company shall recover three times the amount of damages so done, with costs of court in which such recovery is had.

SEC. 8. This act shall be deemed a public act, and shall be favorably construed for the purposes for which it is intended, and for the purpose of enabling said company to carry out the same, which purposes are hereby declared to be of a public nature, and copies thereof, printed by authority of the State, shall be received as evidence thereof, in all cases. Relative act.

SEC. 9. This act shall take effect and be in force, from and after its passage.

Approved March 2, 1857.

Chapter 171.

AN ACT to incorporate the Lancaster Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Dwight T. Parker, E. Hurd, George H. Cox, Myron W. Hood, N. C. Goldsmith, Benjamin E. Quincy, M. M. Zeigler, Joel A. Barber, Hugh R. Colter, Joseph T. Mills and John G. Clark, and such persons as may become associated with them in the manner hereinafter described, are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "Lancaster Academy," by which name they and their successors shall be forever known, and shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity. Said corporation may have a common seal, and may alter and break the same at pleasure, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and the same to sell and convey, rent or otherwise dispose of at pleasure; *Provided*, The cost of the whole amount of real estate owned by Incorporators. Style. Power. Proviso.

said corporation at any one time shall not exceed fifty thousand dollars in value.

Stock divided into shares.

SEC. 2. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be directed by the by-laws of said corporation, and every stockholder in said corporation shall, at all meetings of the same, be allowed one vote, either in person or by proxy, for each share of stock standing to his name on the books of the corporation, and actually owned by him at the time of such meeting.

Open books of subscription.

SEC. 3. The persons named in the first sections of this act, or a majority of them, may, at any time within two years after the passage of this act, open books of subscription for the capital stock of said corporation, and whenever, in their opinion, a sufficient amount shall have been subscribed, shall for the time being close said books, and call a meeting of the stockholders for the purpose of electing officers and fully organizing said corporation under this act, which meeting shall be notified by a notice, naming the time and place thereof, published for three successive weeks, in some newspaper printed in the county of Grant.

Elect trustees.

SEC. 4. At such legally notified meeting the stockholders shall have power, and it shall be their duty, to elect by ballot nine of their number as trustees, three of whom shall be designated on the ballots as trustees for one year, three for two years, and three for three years; and after the first election, three trustees shall be elected annually by ballot: *Provided*, That all trustees shall hold their offices until their successors are duly elected.

Trustees, their power and duty.

SEC. 5. The said trustees shall have power, and it shall be their duty immediately after their election as hereinbefore provided, and annually thereafter, to elect one of their number president; and also to elect from their number a treasurer, a secretary, and such other officers as the by-laws of said corporation shall require; and all such officers shall hold their office for one year and until their successors are elected. The said trustees shall also have power:

Make by-laws.

1st. To make and establish all needful by-laws for the government and management of the said corporation;

2d. To call special meetings of the stockholders to fill vacancies in the board of trustees; Fill vacancies.

3d. To buy, receive, sell, lease, mortgage or otherwise dispose of, any real or personal estate as shall be deemed by a majority of the trustees for the interest of the corporation; Dispose of real estate.

4th. To employ suitable teachers, and to prescribe the course of study and discipline to be observed in said academy, and the rates of tuition in the same; Employ teachers.

5th. To prescribe the duties and fix the amount of compensation of all teachers and officers of said corporation, and to remove the same for sufficient cause shown; Duties of same

6th. To make all necessary rules, regulations and by-laws, and do all necessary and lawful acts fully to carry out the purposes of this act. Make rules, &c.

Sec. 6. Said academy shall be located at the village of Lancaster, in the county of Grant. No religious test or qualification shall ever be required of any trustee, officer, teacher or pupil, nor shall sectarianism in religious matters ever be taught in said academy, but the same shall be an institution for inculcating morality and teaching the arts and sciences. Location.

Sec. 7. All sums of money actually paid in as stock subscriptions, and all gifts, bequests, devises and contributions to said corporation shall be faithfully applied by the trustees to carry out the objects of this act, and a report of all receipts and expenditures, and of the financial condition and general standing of the corporation, with a catalogue of students shall be annually made and published by the trustees for the benefit and information of the stockholders. All monies, &c. to be faithfully expended.

Sec. 8. This act shall be in force from and after its passage.

Approved March 2, 1857.

Chapter 172.

An Act to provide for laying out a State Road from Glendale to Tomah

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners

SECTION 1. Robt. E. Gillett, Cady Hollister and S. C. Lyon, are hereby appointed commissioners to lay out and establish a state road from Glendale to Tomah.

Compensation

SEC. 2. The commissioners appointed under the provisions of this act, shall be entitled to receive such compensation for their services as the several town boards of supervisors, through which the road may pass, shall deem proper; *Provided*, That the said commissioners shall receive no compensation for laying out a road where a road is now established; *And, provided further*, That the said commissioners shall fully comply with the provisions of chapter forty-four of the general acts of 1853.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 173.

An Act to authorize the County Judge of Sheboygan county, to appoint a Trustee for Edward Hampton, for the purposes therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

County judge to appoint trustee.

SECTION 1. That the county judge of Sheboygan county, be and hereby is authorized and empowered, by virtue of his office under his hand and seal of office; to appoint any resident elector of said county, whom he may deem discreet and trustworthy, as a trustee of, and for Edward Hampton, formerly of said county.

Power of trustee

SEC. 2. And any such elector duly appointed such trustee, shall have power and authority, for and in

the name and behalf of the said Edward Hampton, to collect and receive of and from the United States, any and all moneys that may be going to said Edward Hampton, from the United States, for and on account of moneys heretofore paid by the said Edward Hampton, at the United States government land office when at Green Bay, in this State; as, and for the purchase money of the north-east quarter of section twenty-eight, in township number fourteen, north of range number twenty-three east, in the aforesaid county.

Further power of trustee.

SEC. 3. And the said trustee is hereby authorized and empowered as such trustee, in the name of the said Edward Hampton, to make, sign, seal and deliver to the United States, any and all necessary receipts and acquittances for the said money, and such receipt and acquittance shall in all respects be as effectual and in full of said money in behalf of the United States as if it had been executed and delivered by the said Edward Hampton, personally.

How not to be construed.

SEC. 4. Nothing in this act contained shall in any wise be taken and construed, to release the said trustee from his liability at any time to pay the said money when recovered by him, as such trustee, to the said Edward Hampton, his heirs or assigns, on demand thereof being duly made, and his or their right thereto established, together with the interest thereon from the time it shall have come to his hands.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 28, 1857.

Chapter 174.

An Act to provide for laying out a State Road from Black River Falls to Tomah, in Monroe county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. H. E. Ricket, Robt. E. Gillett and Wm. F. Hayward, are hereby appointed commissioners to

lay out and establish a State road from Black River Falls, in Jackson county, to Tomah, in Monroe county.

Compensation. SEC. 2. The commissioners appointed under the provisions of this act, shall be entitled to receive such compensation for their services as the board of supervisors of the several counties through which the road may pass shall deem proper, (so) that no part of the expense of laying out the said road shall be paid out of the State treasury, and (so be) further, that the said commissioners shall be entitled to receive no compensation for laying out a road where a road is already established, and (so be) further, that the said commissioners fully comply with the provisions of chapter forty-four of the general acts of 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 175.

An Act to incorporate the village of Omro.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION 1. All of that section of country commencing at the north-west corner of section seventeen (17), town eighteen (18), range fifteen (15); thence west eighty rods; thence north eighty rods; thence east one mile; thence south one mile; thence west one mile; thence north one hundred and twenty rods, in the town of Omro, county of Winnebago, shall be known and distinguished by the name of the village of Omro, and the inhabitants residing, or who may reside, within the said limits, are hereby constituted a body corporate by

Style. the name of the "Trustees of the village of Omro," and by that name they and their successors forever

Power, capabilities, &c. hereafter, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all suits whatsoever.

First election, when and how called.

Sec. 2. The supervisors of the town of Omro, up to the time of the taking effect of this act, are hereby authorized and directed to call an election of the legal voters residing within the limits of the territory described in the first section of this act, on the second Monday of April, 1857, at the usual place of holding elections in said village, notice of which shall be given ten days previous to said second Monday in April, by posting up notices in three of the most conspicuous [places] in said village, or some newspaper published in said village of Omro, if there shall be one published there, which election shall be the first annual election under this act, at which election the legal voters of said village hereby incorporated shall elect by ballot five trustees, one of whom shall be designated on the ballots as president, one clerk, one assessor, one marshal, one treasurer, which officers shall severally hold their offices until the next annual election, and until their successors are elected or appointed and qualified.

Elective officers.

Annual elections.

Sec. 3. On the second Monday in April, 1858, and on the same day in each year thereafter, there shall be an annual election of officers of said village above specified, and the trustees shall give the like notice as provided in the above section, [for the first election,] and the said trustees, or any two of them, shall preside at the same time.

Eligible to hold office.

Sec. 4. No person shall be eligible to any of said offices unless he is a voter in said village.

Elections—how conducted.

Sec. 5. At all elections by the voters of the village held under this act, the polls shall be open at ten o'clock, A. M., and continue open till four P. M., and the elections (by) shall be conducted in a similar manner as far as may be to the election of town officers, in the several towns in this State, and the general provisions so far as applicable, relating to the challenge of voters and the oath to be tendered, administered or taken, by a person whose vote is challenged and the penalties provided for taking such oath falsely or willfully and knowingly shall all apply to any election held by virtue of the provisions of this act. A plurality of voters (votes) shall in all cases decide any election, and in case any two or more persons shall receive an equal number of votes at any election for the same office, the election shall be determined in a manner provided for similar

cases in the thirty-seventh section of the twelfth chapter of the revised statutes.

In case no election of officers.

SEC. 6. In case such officers, of [or] any of them, shall not be elected on the day herein appointed for the same, the corporation shall not be dissolved thereby, but vacancies in the office of president and trustees shall be filled by special election by voters of the village and vacancies in all other offices by appointment by the trustees.

Officers to subscribe an oath.

SEC. 7. Every officer elected under this act, before he enters upon the duties of his office, and within ten days after his election, shall take an oath to faithfully discharge the duties of his office and support the constitution of the United States and the laws of this State.

Treasurer and marshal to give bonds.

SEC. 8. The treasurer and marshal, before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sums as the trustees may deem proper.

Duties of president.

SEC. 9. It shall be the duty of the president to preside at all meetings of the trustees and at all village elections, and to see that all by-laws and ordinances are duly observed, and to prosecute all suits which may be necessary, in the name of the corporation.

Duties of clerk

SEC. 10. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, also a record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and keep on file all papers which may be ordered by the trustees. The record kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office and transcript from the record of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts, of the contents of the same.

Treasurer—duty.

SEC. 11. The treasurer of said village shall receive all moneys which may be collected for the use of the corporation by virtue of this act, or by virtue of any by-law or ordinance of the corporation, or which may arise from any other source and belonging to the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrants signed by the president, by order of the trustees, and countersigned by the clerk, who shall keep a copy thereof, which warrant shall set forth

Moneys—how drawn.

for what purpose the amount specified therein shall be paid. He shall, as often as they shall require, render the board of trustees a minute account of all his receipts an payments.

Marshal—duties.

SEC. 12. The marshal elected under this act shall have the same power as constables elected in towns.

Trustees—powers.

SEC. 13. The trustees shall have the following powers: To open, keep in repair, improve streets, bridges, side walks; to protect shade trees in the streets.

Guard against fire.

SEC. 14. To provide all necessary apparatus for extinguishing fire; to appoint a fire warden; to examine all dwellings and buildings of all descriptions; if found dangerous, to put them in a safe condition, if the owner refuses; and to collect the same from owner or occupant; to abate and remove all nuisances.

Levy tax to build side walk.

SEC. 15. Upon application of one-half of the inhabitants of any street, or part of a street, or one side of a street, to levy and collect a tax on the owner of lots on such street or part of street, for the purpose of building side walks.

By-laws, ordinances, &c.

SEC. 16. To make, adopt, ordain and establish such by-laws, ordinances and regulations, not repugnant to the laws of this State or United States, for the purpose of carrying into effect the provisions of this act, as they may deem proper.

Licenses.

SEC. 17. To license and regulate any theatrical exhibition, public show, upon such terms as they shall think proper; to license and regulate the sale of spirituous liquors, if they deem proper.

Make annual statement.

SEC. 18. It shall be the duty of the trustees, before the annual election, to publish a full and correct statement in detail of the receipts and expenditures by said trustees for said village during the past year.

Duty of assessor each year.

SEC. 19. It shall be the duty of the assessor within thirty days after the annual meeting of each year, to make out an assessment in which he shall set down the names of all taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents who shall own real estate therein, and the description and quality of property subject to taxation in said village, and then give one week's notice at the time and place where he will equalize and correct said assessment roll, and when said assessment roll shall have been completed, it shall be certified by the assessor as a true assessment roll of all the property subject to

taxation in said village, and immediately deposited with the clerk of said village.

Duty of clerk annually.

SEC. 20. It shall be the duty of the clerk annually on the first Monday of June to lay the assessment roll before the trustee, at which time they shall meet and determine the rate per centum to be taxed on the assessment roll for the current year, at which time any person feeling aggrieved at the value of the assessor may have put upon his or her property may appeal to the board of trustees who may alter same as justice may require, and when the said trustees shall have determined the rate per centum to be taxed on the assessed value of the property as contained on the assessment roll as appraised, it shall be the duty of the clerk in the month of June to make out in accordance with such determination a schedule of all the property as contained in said assessment roll after the same shall have been corrected by said trustees, together with the names of the owners thereof, when known, annexing to each lot or other kind of property, the amount of taxes which shall be chargeable on the same agreeably to the assessment and the rate per centum of taxation as fixed by the trustees, which schedule shall be called the tax list, and shall be recorded in a book to be kept for that purpose, and said tax list or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the year for which the same shall be made out and dated.

Tax list—clerk to record and deliver.

SEC. 21. It shall be the duty of the clerk to complete and record the tax list as aforesaid, and deliver the same to the treasurer to collect in the month of June, and make a record of such delivery in the book where such lists shall be recorded, which shall be conclusive evidence of such delivery until such tax shall be paid, together with all penalties and costs which may accrue thereon, agreeably to the provisions of this act.

Duty of treasurer after receiving tax list

SEC. 22. Upon the receipt of the tax list as aforesaid, it shall be the duty of the treasurer to give notice in a public newspaper, if there is any printed in said village, if there is none, then by posting up in three public places in the village, that such tax list has been committed to him for the purpose of collecting the tax thereon, and that he will receive the payment for taxes at his office until the last day of July then ensuing.

To collect taxes by distress.

SEC. 23. If the taxes are not paid to the treasurer on or before the last day of July, he may proceed to collect the same by distress and sale of goods and chattels of the persons charged, giving six days notice of the time and place of such sale, by written notices put up in three public places in said village.

To sell lands for taxes.

SEC. 24. In case the tax on any lot or other piece of land, shall remain unpaid on the said last day of July, and there are no goods or chattels of the person charged therewith to be found in said village, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots and other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place to be therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue by advertisement and sale agreeably to the provisions of this act. Said advertisements shall be published four successive weeks in a newspaper printed in said village, if there be one, if not, then by posting up in three public places in said village; *Provided*, That in case of assessment of taxes in gross, upon any tract or lot of land the treasurer upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive a part of the taxes, interest and charges due thereon, proportionate to the quantity of such lots or tract so owned or claimed, and the balance of such taxes, interest and charges, shall be a lien only on the remainder of such lot or tract of land.

Proviso.

Time of sale of lands for taxes.

SEC. 25. The time fixed by said treasurer for the sale of lots or other pieces of land for taxes shall be at some time that he may designate within the month of October next ensuing the publication of the advertisement thereof; and on the day mentioned in said advertisement the treasurer shall commence the sale of said lots and lands and continue the same from day to day until so much thereof as will pay the taxes, interest and charges due and assessed and charged thereon agreeably to this act; and the treasurer shall give the purchaser of any such lots of [or] land a certificate describing the lots or land purchased, stating the sum paid therefor including the fees "and the time, and the time, and the time," when the purchaser will be entitled to a deed for said lots or lands, and if the person claim-

ing a title to said lots or lands described in said certificate, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereof at the rate of twenty-five per cent. per annum from the date of such certificate, the treasurer shall at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, and the said conveyance shall be *prima facie* evidence, that the sale was regular according to the provisions of this act, and every such conveyance executed by the treasurer under his hand and seal in the name and on behalf of the village of Omro, and the execution thereof witnessed and acknowledged by law in other cases provided may be given in evidence, and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor, may be given in evidence and recorded.

Treasurer may bid of lands for village.

SEC. 26. It shall be lawful for the treasurer to bid off said lands for the taxes due thereon in the name of the trustees of said village, and the said trustees and their successors shall acquire by such purchase in trust for said village, all the rights which might have been acquired by any other purchaser.

To give notice by advertisement.

SEC. 27. In the month of July in each year, the treasurer shall publish in the manner mentioned in the 27th section of this act, any advertisement stating each lot and tract of land which will be forfeited in the ensuing October (stating the day thereof,) if the taxes and charges upon the same are not paid before that day together with the amount of such taxes and charges.

Charges for advertising.

SEC. 28. All lots or lands, the taxation which shall be paid before the last day of July as aforesaid, and which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand and receive the following fees: For each certificate to be given to a purchaser at such sale of any lot or piece of land held for taxes, thirteen cents; and one dollar

for each conveyance executed by him in pursuance of this act. The said fees to be paid by the persons receiving such instrument of writing. The charge for the second advertisement shall be ten cents for each lot or piece of land.

Redeeming land.

SEC. 29. If any person who shall purchase any lot or piece of land pursuant of this act, shall pay any tax returned subsequent to such purchase on such lot or piece of land, the person who shall redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty-five per cent. per annum, for the benefit of such purchaser.

Side walk taxes.

SEC. 30. All taxes assessed for building side walks shall be assessed on the lots or pieces of land adjoining the street where said side walks are to be built, and in no other way shall taxes be raised for building side walks. Cross walks shall be built by a general tax on the property of the village of Omro.

License moneys.

SEC. 31. All moneys accruing for granting any licenses, which any law of this State the trustees of said village are authorized to grant, shall be paid into the treasury of said village, to be expended under the direction of the said trustees like other moneys in said treasury.

Qualified electors.

SEC. 32. All persons entitled to vote at general elections, and who shall have been actual residents of said village of Omro three months previous to any election therein, shall be entitled to vote at any village election or meeting authorized by this act.

Have a seal.

SEC. 33. The trustees shall have power to have a common seal and alter the same at pleasure.

Side walks—at whose expense built.

SEC. 34. Whenever the board of trustees shall deem it necessary to construct or repair any side walk within said village they shall instruct or direct the owner or occupant of any lot or land adjoining any such side walk to make or repair the same at his own proper cost and charge. If such is not done in the manner and within the time prescribed, the trustees or a majority of them, shall cause the same to be done at the expense of the lot or land adjoining such side walk, as herein provided in this act.

Duty of president.

SEC. 35. It shall be the duty of the president of the trustees to preside at all meetings of the trustees, to keep the seal of the corporation, to act as supervisor in

county board, to have the same powers there as supervisors of towns.

In case no election is held, corporation not dissolved.

SEC. 36. If any election provided for in this act shall, for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for suspending, arresting or absolving the said corporation, but such election may be held at any time thereafter by order of the supervisors of the town of Omro, otherwise by the trustees of said village, of which time ten days public notice shall be given.

Vacancies—how filled.

SEC. 37. It shall be lawful to fill any vacancy that may occur during the year of any of the following officers: clerk, marshal, assessor, treasurer, or trustees;

Provisos.

Provided, That not more than one trustee shall be appointed at any one meeting of the trustees; *Provided further*, That if there is not a quorum of trustees then it shall be the duty of the clerk to call a special election to fill such vacancy.

SEC. 38. This act shall be in force on and after its passage.

Approved March 3, 1857.

Chapter 176.

An Act to amend an act entitled "An Act to incorporate the City of Beloit, approved March 31st, 1856."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

City and Ward Boundaries.

City boundaries.

SECTION 1. The territory lying in the county of Rock and known and designated as sections twenty-five (25), twenty-six (26), thirty-five (35), thirty-six (36), and the east half of sections twenty-seven (27), and thirty-four (34), in township No. one, range twelve east, shall be a municipal corporation by the name of "The City of Beloit," and the inhabitants thereof shall have the general powers possessed by municipal corporations at

common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

Ward boundaries.

SEC. 2. The city shall be divided into four (4) wards, as follows:

First ward.

The first ward shall be that portion contained within the following boundaries, to wit: Commencing in the centre of Rock river, in the centre line of the bridge crossing said Rock river between Bridge street and the public landing so called, on the east bank running from said point in the same line to the east bank of the river —thence in a straight line to the centre of School street so called—thence in the centre of said School street easterly till it intersects with the centre line of Hydraulic street so called—thence running in a line in the centre of said Hydraulic street till it intersects with the centre line of Second street—thence in the centre line of Second street to its intersection with the centre line of the Milwaukee road—thence in the centre line of the Milwaukee road to its intersection with the line dividing the towns of Turtle and Beloit—thence south on said dividing line to the state line dividing the states of Wisconsin and Illinois—thence on said state line to the centre of Rock river to the place of beginning.

Second ward.

The second ward shall include all of that territory within said city limits upon east side of the centre of Rock river not included in said first ward.

Third ward.

The third ward shall include all of that territory within said city limits upon the west side of the centre of Rock river, north of the east and west quarter section line dividing section thirty-four (34) and thirty-five (35), in township one (1), range twelve (12) east.

Fourth ward.

The fourth ward shall include all of that territory within said city limits on the west side of the centre of Rock river not included in the third ward.

CHAPTER II.

Elections.

Elections.

SEC. 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each

year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected. The elective officers of said city shall be a mayor and treasurer, and one justice of the peace and three aldermen for each ward; all other officers necessary for the proper management of the affairs of said city shall be appointed by the common council; all elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; justices of the peace shall hold their offices for two years and until their successors are elected and qualified; *Provided, however*, The common council shall have power for due cause, to expel any of their own numbers and to remove from office any officer or agent under the city government, except justices of the peace, by a vote of two thirds of all the members of such body, due notice being first given to the officer complained of.

Elective officers.

Proviso.

In case no election—common council to order new election.

SEC. 2. Should there be a failure by the people to elect any officers herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place being first given.

Vacancies—how filled.

SEC. 3. When a vacancy shall occur in the office of mayor, aldermen or justice of the peace, such vacancy shall be filled by a new election which shall be ordered by the common council, and held within fifteen days after such vacancy shall be made known to the common council, said notice of such election shall be given for the same time and be conducted and the returns thereof made in the same manner as annual elections, any vacancy happening in any other office shall be filled by the common council. The person so elected or appointed shall hold his office for the unexpired term of the person whose office he may be elected or appointed to fill.

Elections to be by ballot.

Tie vote.

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Where two or more candidates for an office shall receive an equal number of votes for the same office then the

same shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualified electors.

SEC. 5. All persons entitled to vote for county or State officers who shall have resided within the city for six months preceding the election, and for ten days within the ward where they offer to vote shall be entitled to vote for any officer to be elected under this law and to hold office thereby created.

Elections—by whom conducted.

SEC. 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general election laws of this State to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this State regulating elections.

Illegal voting.

SEC. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors before receiving the vote of any such person shall require him to take the following oath: "You do solemnly swear (or affirm as the case may be) that you are twenty one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformable to the laws of the United States on the subject of naturalization); that you have resided in this State one year, and in this city six months, and within this ward ten days next preceding this election, and that you have made no wager depending on the result of this election."

Oath.

Illegal voting—punishment.

SEC. 8. And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an indictment, and upon conviction thereof

shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue or incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, and not less than one hundred dollars.

To make returns to council.

SEC. 9. When any election under this chapter shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every officer, and shall deliver or cause to be delivered such returns to the clerk of the common council who shall forthwith give notice to each of the aldermen elected of their respective elections; within one month after any election the common council shall meet and canvass said returns and declare the result as it appears from the same.

When an office is deemed vacant.

SEC. 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as provided in section second of this chapter.

Aldermen—for what term elected.

SEC. 11. At every annual election there shall be elected one alderman who shall hold his office for two years, and one who shall hold his office for one year; the votes for the alderman who shall hold his office for two years shall be deposited in a seperate ballot-box, the name of the alderman holding his office for one year, and all other elective officers shall be on one ballot and deposited in another ballot-box, there shall be written or printed, or partly written and partly printed on the ballot for alderman for one year, "alderman for one year," the aldermen in each ward elected for two years

shall be in the order of their election, members of the county board of supervisors with all the rights, duties and liabilities of the chairman of the board of supervisors of the several towns; *Provided*, That by consent of the aldermen of any ward the alderman for two years may substitute either of the other aldermen of his ward in his place in said county board for such time as may be named by him in writing. Proviso.

SEC. 12. The term of every officer elected under this act, shall commence on the second Tuesday of April of the year for which he was elected, and shall unless herein otherwise provided continue for one year, and until his successor is elected and qualified. Term of office.

CHAPTER III.

Officers, their Powers and Duties.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties or his office, take and subscribe an oath of office before some proper person authorized to administer oaths, and file the same duly certified by the officer taking it, with the clerk of the city; and the treasurer, clerk, marshal, constable and such other officer as the common council may direct, shall severally before they enter upon the duties of their respective offices, execute to the city of Beloit a bond with at least two sureties who shall swear they are each worth the penalty specified in the bond over and above all debts, exemptions or liabilities, and such bond shall contain such penal sum and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officers who shall neglect or refuse to give the same. Officers elected to subscribe an oath. To give bonds.

SEC. 2. The mayor when present, shall preside over the meetings of the common council and take care that the laws of the State and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties, he shall from time to time give the common council such information and recommend such measures as he may deem best for the prosperity and advantage of the city. The mayor shall be the chief executive officer and the head of the police of the city, and in case of a riot or Mayor—duty.

other disturbance he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie.

First meeting of council annually—duty.

SEC. 3. At the first meeting of the common council each year they shall proceed to elect, by ballot, one of their number president, and in absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and any act performed by them, or either of them, shall have the same force and validity as if performed by the mayor.

Clerk—duty.

SEC. 4. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers filed in his office and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; and countersign all orders drawn by the mayor on the treasury, in pursuance of an order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same and enter in a book, to be provided by him for that purpose, the names of all the parties to such instrument, the same as town clerks are by law now required to do, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and have the same effect as if the same had been filed in the town clerks office of any town. It shall also be his duty to do or perform any act required to be done by clerks of towns not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmations.

Treasurer—duty and compensation.

SEC. 5. The treasurer shall receive all moneys belonging to the city and keep accurate and detailed account thereof, in such manner as the common council may from time to time direct. The treasurer shall exhibit to the common council at least fifteen days before the annual election, and sooner if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk; the treasurer shall in addition have the same powers and duties, and subject to the same liabilities, and be entitled to the same compensation, as treasurers in towns.

Marshal—duty and compensation.

SEC. 6. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; he shall possess the powers of constable at common law, or by the laws of this State, and shall receive like fees, except where the services are rendered for and in behalf of the city.

Attorney—duty.

SEC. 7. The attorney shall perform all professional services incident to the office, and when required shall furnish written opinions upon any subject submitted to him by the common council.

Require publication.

SEC. 8. All ordinances, resolutions, by-laws and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, may be published in any newspaper printed and published in said city that shall be designated by the common council; and in case of the publication of any ordinance, notice, resolution, or other matter, which is required to be published, the editor or publisher of the newspaper so designated shall file with the clerk of the city a copy of such publication with the affidavit of such editor, publisher, or foreman, of the length of time the same has been published, and such affidavit, or the record thereof, shall be conclusive evidence of such publication.

Proof of same.

Neglecting or refusing to deliver books, &c. to successors.

SEC. 9. If any person having been an officer in said city shall neglect or refuse for ten days after notification and request to deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city or appertaining to the office he may have held, he shall forfeit and pay for

the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

No alderman to be interested in contracts

SEC. 10. No alderman shall be a party to, or interested in any job or contract with the city, or any of its wards, and any contract in which any alderman shall be so interested shall be null and void; and in case any money shall have been paid on any such contract the common council may sue, in the name of the city, for, and recover the amount so paid from the party to such contract, and the alderman interested in the same; *Provided*, That no money shall be recovered from an innocent party who was ignorant of the interest of such alderman at the time of his receipt of such money.

Proviso.

Peace officers—powers.

SEC. 11. The mayor or acting mayor, the sheriff or any deputy sheriff, of Rock county, and each and every alderman, justice of the peace, marshal, attorney and constable, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behaviour within the limits of the city, and for such purposes may command the assistance of all by-standers, and if need be of all citizens and military companies; and if any person, by-stander, military officer, or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, unless such individual so refusing shall be so sick or infirm as to render it impracticable for him to comply with such command, which sickness or infirmity may be shown in defence.

Justices of the peace—powers.

SEC. 12. The justices of the peace provided for in this act may hold their offices at any place within said city, and shall have the same rights, powers and jurisdiction as justices of the peace elected by towns; and shall have jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace; and try all offences against the ordinances of the city, and said justices shall have sole jurisdiction in all cases of offences against the ordinances of said city, and defendants in criminal cases shall have the same right of appeal as provided by law; and in all cases of fines, under the ordinances, defendants shall have a right to an appeal under the same provisions and requirements as now are or may be provided for taking appeals from justices of the peace.

CHAPTER IV.

The Common Council, its Powers and Duties.

Council, style of ordinances and meetings.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "The Mayor and Common Council of the City of Beloit do ordain." The common council shall meet at such time and place as they, by resolution, shall direct; but they shall hold stated meetings on the first Monday of each month, and the mayor may call special meetings by notice to each of the members, or left at their usual place of residence; a majority of the aldermen shall constitute a quorum.

Council—power.

SEC. 2. The common council shall determine the rules of its proceedings and be the judge of the election and qualification of its members, and have power to compel the attendance of absent members.

Council—general powers.

SEC. 3. The common council shall have the management and control of the property and the finances of the city, and shall likewise in addition to the powers herein granted have full power and authority to make, enact, ordain, establish, publish, enforce all ordinances, rules and by-laws, and alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade and health thereof, as they shall deem expedient; declaring and imposing penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law:

Licenses shows, &c.

First. To license and regulate the exhibitions of common showmen and shows of any kind; the exhibitions of caravans, circuses, and theatrical performances; the keeping of billiard tables and bowling saloons; and to provide for the abatement and removal of all nuisances under the ordinance or at common law; and to grant licenses and regulate groceries, taverns and victualling houses; and to regulate the sale of, or dealing in, spirituous, vinous, or fermented liquors, and grant licenses for the same for such sum and upon such conditions and restrictions as the common council may

deem for the best interest of the city, and not inconsistent with the laws of this State.

Prohibit dealing in liquors.

Second. To restrain and prohibit all vending or dealing in, or giving away, with intent to avoid the law, spirituous, vinous or fermented liquors, and all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city, and may declare the illegal traffic in spirituous, vinous, or fermented liquors a nuisance, and abate it as such.

Riots, &c.

Third. To prevent any riots, noise or disturbance, or disorderly assemblages, suppress or distrain disorderly houses or groceries, or houses of ill fame.

Removing or cleansing filthy places.

Fourth. To compel the owner or occupant of any grocery, brewery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as it may be deemed necessary for the health, comfort and convenience of inhabitants of said city.

Slaughter houses and gunpowder.

Fifth. To direct the location and management of slaughter houses and markets, and to establish rates for, and license venders of gunpowder or other combustible materials.

Streets, &c.

Sixth. To prevent the encumbering of the streets, sidewalks, lanes, or alleys, with any substances, animal, or vehicle whatever.

Horse racing, &c.

Seventh. To prevent horse racing, immoderate riding or driving in the streets or upon the bridges in the city, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Cattle, swine, &c.

Eighth. To regulate the running at large of cattle, and to restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same; to prevent the running at large of dogs and authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Putrid animal matter.

Ninth. To prevent any person from bringing, depositing, or having within said city any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unwholesome or unsound beef, pork, fish, hides, or skins of any kind, and in default of such person to authorize

the removal thereof by some competent officer, at the expense of such person or persons.

Tenth. To make and establish public pounds, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of the city in case of fires, and to regulate and license hacks, drays, carts, and the charges of hackmen, draymen and cartmen in the city. Pounds, &c.

Eleventh. To establish and regulate boards of health, provide hospitals for those infected with small pox and other contagious diseases, and order and regulate the removal of such persons from the city when the health and safety of the city require, to provide grounds for the burial of the dead and regulate the burial of the dead, and exempt burial grounds, public squares, engine houses, and all other property set apart for public use from taxation. Public health, &c.

Twelfth. To prevent all persons riding or driving any animal on the side walks in said city, or in any way doing damage to said side walks, and to direct and regulate the setting of suitable hitching posts along the side walks in said city. Side walks.

Thirteenth. To prevent the shooting of fire arms, or the exhibition of any fire works in any place which the common council may consider dangerous to the city, or any property therein, or annoying to any person thereof, and to prevent the destruction of birds and their young, or eggs, in cemeteries, or public burying grounds. Fire arms.

Fourteenth. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness, &c.

Fifteenth. To regulate the police of the city. Police.

Sixteenth. To regulate the place and manner of selling and weighing hay, and measuring and selling fuel either wood or coal, and to appoint suitable persons to superintend and conduct the same. Hay and fuel.

Seventeenth. To license and regulate butchers stalls, shops, and stands for the sale of game, poultry, butcher's meat, butter, fish, and other provisions. Butcher stalls, &c.

Eighteenth. To regulate the time, place and manner of holding public auctions or vendues. Auctions, &c.

Nineteenth. To provide by ordinance for a standard of weights and measures, and for the punishment for the use of false weights and measures. Weights and measures.

Twentieth. To compel the owners or occupants of buildings or grounds to remove dirt or other rubbish Cleaning side walks, &c.

from the side walk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all substances as the board of health shall direct, and on his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Ordinances, &c.—how passed.

SEC. 4. All laws, ordinances, regulations, resolutions, and by-laws, shall be passed by an affirmative vote of a majority of the common council present, and all ordinances shall be signed by the mayor and be published in one newspaper in the city before the same shall be in force, and within ten days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said ordinances shall be recorded, the publication thereof respectively shall be proved by the affidavit of the editor, publisher or publishers, or foreman, of such newspaper, and said affidavit shall be recorded therewith, and such affidavit, or the record thereof, at all times, shall be deemed and taken as sufficient and conclusive evidence of the time and manner of publication. No appropriation shall be made without a vote of a majority of the members of the common council present in its favor, which vote shall be taken by ayes and nays and entered among the proceedings of the council.

No bar to suits

SEC. 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

City accounts —duty of city council.

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and other officers and agents of the city, at such times as they shall deem proper, and also at the end of each year, and before the terms for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the said council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at

law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Overseers of the poor.

SEC. 7. The alderman of each ward shall be overseers of the poor therein, and shall have the same powers and perform the same duties in respect thereto, as overseers of the poor of towns, subject to the control of the common council.

CHAPTER V.

Finances and Taxation.

Funds under control of council.

SECTION 1. All funds in the treasury, except state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, except as herein otherwise provided.

Annual tax.

SEC. 2. The common council may annually levy a tax upon all the property in said city subject to taxation, not exceeding five mills on a dollar of the assessed value of said property, to defray the current expenses of the city, not including the expense of schools; and an additional tax upon the property liable to taxation in each ward, not to exceed five mills upon a dollar of the assessed value of said property to pay the indebtedness or defray the current expenses of such ward.

Special tax.

SEC. 3. Special taxes for purchasing fire engines and fixtures, cemetery grounds, public squares, or building roads or bridges, or fire engine buildings, or for the repairing or improving any road, bridge, public ground, or squares, or cemetery grounds, when a sum exceeding five hundred dollars shall be required for any such purposes, may be voted at any regular or special meeting of the voters in said city, but no such vote shall be taken unless such vote be first recommended by the common council, and a notice of the same specifying generally the purpose for which such tax is to be raised, and the time and place for voting, be published at least ten days before such meeting in some newspaper in said city.

Aldermen to certify to debts of ward.

SEC. 4. The aldermen of each ward shall certify to the council any debts contracted by such ward for the current year, and thereupon the said council shall (if

such debt be a proper claim against such ward) allow such debt, and direct the mayor and clerk to issue to the proper person, orders of the city to the amount of the debt; *Provided*, The said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax so levied and collected under the provisions of this chapter to meet the current expenses of the year, assuming as a basis the tax list last equalized and corrected by the common council.

Proviso.

Ward debts.

SEC. 5. No alderman in any ward shall contract debts against such ward in any one year to an amount greater than the amount of tax which, under the provisions of this chapter, may be levied in such ward to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable therefor, and said debt shall be regarded as having been originally contracted by such alderman personally; *Provided*, That no alderman shall be held liable as aforesaid without proof of his assent as alderman to the contracting of the debt or liability by the ward.

Proviso.

Assessors.

SEC. 6. The assessor or assessors appointed by virtue of this act shall, in all things pertaining to their office, so far as practicable, be governed by the same laws as assessors in towns, except so far as they may be altered by this act; *Provided however*, That the common council may more fully define the duties of assessors, and they shall return their assessment rolls to the city clerk on or before the twentieth day of July in each year.

Proviso.

Duty of clerk upon receipt of assessment.

SEC. 7. It shall be the duty of the clerk annually, upon the receipt of the assessment roll, to lay the same before the common council for their consideration, and the said common council shall be a board of equalizers and if they deem it necessary may make such amendments, corrections, alterations or additions thereto as will produce an equality of assessment, agreeable to the true or comparative value of or between the several lands and portions of property, and when so equalized and corrected the common council shall confirm the same, and may at any time thereafter proceed to levy upon the whole amount of such assessment, as corrected and equalized, such a per centage as a majority of the

board shall deem necessary for all corporation purposes, for the year in which it is made; *Provided*, That such per centage shall not exceed for city and ward purposes and expenses, one cent on a dollar valuation. But no county school or State tax shall be levied by said council until the assessment shall have been equalized by the county board, the same as the assessment of towns, and after having been so equalized by the county board the same rules and regulations shall be observed in levying and collecting said city council, State and school taxes within said city as are applicable to the same in towns. Proviso.

Taxes to remain a lien upon property.

SEC. 8. All taxes and assessments, general and special, levied under this act shall be and remain a lien upon all personal property of any person or corporation assessed for personal taxes from the time of the confirmation of the assessment roll.

Clerk to transmit a copy of assessment roll to supervisors.

SEC. 9. Before the annual meeting of the board of supervisors of the county of Rock, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board at their next annual meeting, and such copy shall be deemed and taken to be the assessment roll of said city, such board of supervisors shall have the right of equalizing the assessment of the towns in said county and of said city as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

How city tax to be taxed.

SEC. 10. The said board of supervisors may lay a tax as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied and the purposes to be certified to the city clerk in the manner provided by the general laws of this State, and the said clerk shall thereupon proceed to calculate and carry out such State and county tax, together with all taxes, general or special, levied under the provisions of this act, in the same manner as is now provided by law for town taxes, and in all other respects not herein provided, such taxes shall be collected in the manner now provided, or as may hereafter be provided by law for the collection of town taxes.

Treasurer.

SEC. 11. The treasurer of the city, in giving bonds, collecting such tax, and making his return to the county treasurer, and in all other respects, shall conform to the general laws of the State; and the county treasurer shall give to said city treasurer a certificate of the amount of delinquent city tax, certifying that after the sale of lands for delinquent taxes the said city will be entitled to the amount contained in such certificate. The warrant annexed to the assessment roll to be delivered to the city treasurer may be substantially in the form provided by section 52 of chapter 15, of the revised statutes, or as may be hereafter provided by law, and shall be signed by the mayor and clerk.

CHAPTER VI.

Opening of Streets, &c.

Power of council.

SECTION 1. The common council shall have the power to lay out public grounds, squares, streets and alleys, and to widen the same.

Condemning premises.

SEC. 2. The common council shall, by a general ordinance, prescribe the mode of procedure in condemning premises for public use, the manner of notifying the parties interested in such premises, and of estimating the damages to be paid to the owner or owners of the property proposed to be taken, and also the mode of ascertaining what lands or premises will be benefited by such taking; *Provided however*, That no ordinance shall be passed which shall not require notice, either actual or constructive, to the parties interested in the premises proposed to be taken, of the time, place and manner of appointing or drawing a jury to assess the damages, and of the time when the damages or benefits will be assessed, or that shall attempt to take away from the parties in interest their right of assessment by jury, of appeal to the circuit court, or to compensation, before such property shall be taken.

Proviso.

May appeal.

SEC. 3. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of the awarding of compensation or assessment of benefits, by giving a bond to the city in not less than one hundred dollars, to be approved by the mayor, acting mayor,

or city clerk, to pay all costs of appeal; in case the appellant shall not upon such appeal increase the amount of compensation, or decrease the amount assessed as benefits, as the case may be, the common council may appeal in behalf of the city, by giving notice to the opposite party without giving bond.

CHAPTER VII.

City Improvements.

Street commissioners.

SECTION 1. The aldermen of the several wards shall be street commissioners in and for their respective wards, two of whom shall be a quorum. One of their number, or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report in detail to the common council of their acts and doings whenever required; and at the expiration of each year and before their term of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts, and vouchers, to the common council for final settlement and adjustment.

May appeal to council.

SEC. 2. Any person deeming himself aggrieved by an act of the street commissioners may at any time appeal to the common council, who shall inquire into, examine and correct the acts or order complained of, as they shall deem just and proper; and the further action of the board in this respect shall be regulated accordingly.

Street commissioners—powers.

SEC. 3. The said street commissioners shall have power to contract for making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters and sewers, within their respective wards, and to direct and control the persons employed thereon.

Construction of side walks.

SEC. 4. Whenever the said street commissioners shall deem it necessary to construct or repair any side walk within their wards, they shall direct the owner or occupant of any lot adjoining such side walk to make or repair the same at his own proper cost and charge. If such work is not done in the manner and within the time prescribed, the commissioners shall cause the same to be done at the expense of the lots adjoining said side walk; and at some period prior to the time of the deliv-

ery of the tax list to the treasurer, it shall be the duty of the street commissioners to make a report to the common council of the amount of tax properly chargeable against each lot for work done under the provisions of this section, for any period not exceeding one year prior to such report, specifying the amount in gross, and such amount shall be a lien upon such lots, and be levied thereon as a special tax, with all the legal consequence, both as to collection of taxes and sale of the lots prescribed by this charter for collecting city taxes.

Cost of surveying, opening and repairing of streets, &c., by whom defrayed.

SEC. 5. The cost and expenses of surveying streets, alleys, side walks, sewers, and of estimating work thereon, and of constructing and repairing reservoirs, shall be chargeable to, and payable out of, the fund of the city; opening, grading, graveling, planking, repairing, cleansing or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on said streets or alleys. Sewers may be ordered by the street commissioners and built, kept open and in repair, at the expense of the lots or parcels of land respectively benefited thereby, according to the benefit such improvement shall be to each of said lots or parcels of land respectively, said benefit to be estimated and ascertained by the said street commissioners; *Provided however*, That when sewers are constructed through alleys, no lots shall be assessed therefor except those situated in the block or blocks through which such sewers may be constructed; and when sewers are constructed through streets, no lots shall be assessed therefor except those situated in the blocks fronting on such streets; *And provided further*, That in all cases where improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys, and public grounds, shall be made and paid for out of the fund of the city in proportion to the width of the street, alley or public ground.

Proviso.

Public improvements—how to be made.

SEC. 6. Whenever the commissisners shall determine to make any public improvement, as authorized by sections 3, 4 and 5 of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot; and in case of grading streets, alleys or side walks, of the number of cubic yards to be filled in or to be excavated in front of each; and such estimate shall be filed with the city clerk for the inspection of parties interest-

ed. The street commissioners shall give notice by advertisement for ten days in one or more papers published in the said city, to the owner or occupants of the lots or parcels of land fronting on any street, alley or side walk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice within a reasonable time therein to be specified; and if the said work shall not be done within such time, the said commsssioners shall enter into contract for the doing thereof. To give notice.

Persons aggrieved to have a jury appointed to determine benefits, &c

SEC. 7. Whenever the general interest of the city, or any ward, requires deep cutting or excavation, or extraordinary filling, in any street, and the owners or occupants of the lots or lands fronting on such cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the commissioners in writing that the expense of such excavation, or filling, will exceed the benefit the same will be to such lot or parcel of land assessed therefor, the street commissioners shall require the marshal to summon three freeholders, not owners of or interested in said lots or lands, who, after being duly sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if in their opinion the cost of such work will exceed the benefit to be derived therefrom, it shall be their duty to report thereof to said street commissioners in writing, and they shall state therein what portion of said work shall be chargeable to said lots or parcels of lands, and how much and what portion shall be chargeable to the city fund, and such proportion as shall be reported as properly chargeable to the lots or parcels of land aforesaid, shall be assessed on the same, and levied and collected as the special taxes and assessments as hereinbefore provided, and the remainder shall be paid out of the city fund; *Provided however*, That the petition of no owner feeling himself aggrieved by any act of the street commissioners shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done; *Provided further*, That when it shall appear that lands belonging to non-residents, infants, or persons laboring under any disabilities, who shall not be represented by any agent or guardian, are not benefited by the making of streets in front of such lots or lands to the amount of the cost and expenses thereof, it shall Proviso.

then be the duty of said commissioners to cause to be summoned a jury as herein provided.

Removal of stagnant waters.

SEC. 8. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters being thereon, in a paper printed in said city, of at least five days, to abate such nuisance by draining or filling such lot within a reasonable time therein to be specified, and if the same is not so done then the street commissioners shall cause the same to be abated and removed at the expense of the property upon which the same shall exist.

Issue certificates to contractors—what to contain.

SEC. 9. After the completion and performance of any contract entered into by street commissioners for work chargeable to lots or land by virtue of this act they shall give to the contractor or contractors a certificate under their hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land or fund upon which the same is chargeable, which said certificate may be transferred by endorsement thereon, and if the amount thereof chargeable to any lot or parcel of land shall not be paid before the time of making out the annual assessment roll, the same may be filed with the city clerk and shall be assessed upon the said lots or parcels of land respectively, and collected for the benefit and use of the holder of such certificate as other taxes on real estate are collected, by virtue of this act; and if the notice to do the work prescribed shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment; *Provided*, That in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for the payment thereof.

Proviso.

Work for city or wards let by contract.

SEC. 10. All work for the city, or either of the wards amounting to a sum of fifty dollars or more, shall be let by contract to the lowest responsible bidder, who shall give good sureties for the performance of his contract and due notice shall be given of the time and place of letting such contract.

Vote to raise highway tax.

SEC. 11. At the general ward election the electors of each ward may vote to raise a highway or street tax upon the taxable property therein, not to exceed seven mills on the dollar, on the real and personal property in each ward.

SEC. 12. The city clerk shall, annually, on or before the fifteenth day of May, furnish to the street commissioners of each ward a statement of all the taxable property in such ward with the separate assessed valuation, which shall be taken from the last equalized assessment roll. Clerk to furnish street commissioners statement of taxable property.

SEC. 13. The street commissioners of each ward shall, as soon as may be, after the annual election, appoint some suitable person overseer of highways and streets, who shall possess the same powers and perform the same duties and be liable to the same penalties as overseers of highways of towns, except so far as such powers and duties shall be inconsistent with this charter; *Provided however*, Said overseer shall be under the control of the street commissioners, report to them his acts and doings annually, and at such time or times as they shall direct, and they may remove him at pleasure. Overseer of highways—duties and powers. Proviso.

SEC. 14. It shall be the duty of each overseer, on or before the fifteenth day of May in each year, or at such times as the street commissioners shall direct, to furnish said commissioners in his ward with a list subscribed by him of the names of all the inhabitants of his ward liable to pay taxes under the laws of the State. Duty of overseer.

SEC. 15. The street commissioners shall, as soon as may be, after they shall be furnished with a list of taxable property and persons liable to pay tax, calculate and carry out, opposite the property assessed and names furnished, the tax that shall be voted in their respective wards, together with the poll tax, and shall attach their warrant thereto, commanding the overseer to collect and expend said tax within his ward. Duty of street commissioners

CHAPTER VIII.

Fire Department.

SECTION 1. For the purpose of guarding against fire, the common council shall have the power to prescribe the limits within which buildings not considered fire proof shall not be erected or repaired, and to direct or prohibit the repairing of wooden buildings within such limits where the same shall have been damaged by fire to an extent exceeding fifty per cent. on the value thereof, and to prescribe the manner of arresting such damage; *Provided*, The common council shall not prohibit Fire limits. Proviso.

the building of any building within the limits aforesaid not considered fire proof without a vote of two-thirds of the common council thus to prohibit.

Guard against fire.

SEC. 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearth stones, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a secure and safe place or condition where considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate the carrying on of any manufactures dangerous in causing or promoting fires; to prevent the use or regulate the use of fire-works and fire-arms.

Scuttles in roofs.

SEC. 3. To compel the owners and occupants of buildings situated in the business part of the city to have scuttles in the roofs of such buildings, or ladders leading to the same.

Duty of officers at fires.

SEC. 4. To authorize the mayor and aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention of fires and the extinguishment of the same, as the common council may deem expedient.

Purchase fire engines, and authorize the formation of fire companies

SEC. 5. The common council shall have power to purchase fire engines and engine houses, apparatus for fire engines, and to authorize the formation of fire companies, and to provide for the due and proper regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company may elect its own officers and form its own by-laws *not* inconsistent with the laws of the State or the ordinances and regulations of said city; and said companies shall be formed only by voluntary enlistment, and every member shall be exempt from poll-tax and highway work and from serving on juries and from military duty during the continuance of such membership.

Annual meeting of companies—nominating officers; council to confirm same.

SEC. 6. There shall be a meeting of the members of such company or companies on the first Monday of May of each year, at such place as the mayor may designate, when they may nominate and recommend to the common council for appointment one engineer, and

the common council shall thereupon confirm such nomination, and the person so appointed shall perform such duties as the common council may prescribe. At the same time the said company shall nominate, and the common council shall appoint the same, four fire wardens, one of whom shall reside in each ward, and who may from time to time, as they may deem proper, enter into or open any house, store house or other building of enclosure, for the purpose of inspecting the same, and with a view to guard against fire. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman, at any fire it shall be lawful for the officer giving such order to arrest or to direct orally the marshal, constable, watchman or any citizen to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order shall be liable to such penalty as the common council may prescribe, not exceeding ten dollars.

Duty of members at fires.

SEC. 7. The members of such fire company or companies are hereby authorized collectively or individually at the time of any fire to take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from destruction. The common council are hereby authorized to appropriate such sum as they may deem proper for the compensation of said members of said fire company or companies, and for the proper regulation and expenses of the same; *Provided*, The same appropriations shall not exceed one half of all the proceeds of all fines and penalties received for the breach of any ordinance, by-law or regulation made in pursuance of this chapter.

Proviso.

CHAPTER IX.

Relating to issue of City Bonds.

Bonds—how issued.

SECTION 1. The common council shall have power, after submitting the question to a vote of the people at an annual election, or at a special one called by it for

that purpose, and an affirmative vote is had thereon, to issue the bonds of the city, not to run more than twenty years, or at a greater rate of interest than ten per centum per annum; *Provided however*, That the aggregate amount of bonds issued for all purposes hereinafter specified, shall not exceed seventy-five thousand dollars.

Proviso.

What bonds may be issued for.

SEC 2. The specific purposes for which the bond of the city may be issued as provided in the section above, shall be as follows:

1st. To purchase or lease sites and necessary grounds for school purposes and school houses;

2d. To build school houses;

3d. To purchase or lease sites for and build a city hall and engine houses; to purchase fire engines and the necessary apparatus for their use.

May loan credit of city to gas company.

SEC. 3. The common council shall have power to loan the credit of the city to an amount not to exceed the sum of ten thousand dollars, to any company or corporation which shall establish a gas light and coke company in said city, taking back from such company or corporation such security as they shall deem sufficient to indemnify the city; *Provided*, That the time for which such credit may be loaned shall not exceed ——— years, and the manner of evidencing the loan of such credit may be prescribed by the council.

Proviso.

CHAPTER X.

Miscellaneous Provisions.

All property subject to taxation.

SECTION 1. All property, real and personal, within the city, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities; *Provided*, Such lands within the said city limits while used for agricultural or horticultural purposes solely, and not platted, surveyed or in market for city lots, shall be subject to no more than one-half per cent. on the appraisal for city purposes, one-half of which may be appropriated for general city uses, and one-half for ward uses in the wards where such lands are located.

Proviso.

Appropriations of money

SEC. 2. No money shall be appropriated for any purposes whatever, except such as are expressly authorized by this act.

Actions—how brought.

SEC. 3. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt or in such other manner as may be provided by law in actions to recover for such penalty or forfeiture, penalties or forfeitures, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give special matter in evidence under it.

Prosecutions—how conducted.

SEC. 4. In all prosecutions for any violations for the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Executions.

SEC. 5. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this State, and shall be in the same form and be executed in the same manner as is now provided or may be hereafter provided by law for executions in actions founded on tort.

No person incompetent as judge, witness or juror.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party or interested.

In case no election by the people or council, no reason for arresting, suspending or dissolving corporation.

SEC. 7. If any election by the people or common council, shall for any cause, not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election shall be had on any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done or performed.

Protection of shade trees and bridges.

SEC. 8. The general laws for the preservation of trees and bridges and punishment by such laws provided for the willful and malicious injuries done to the same, are hereby extended to, and shall include, all trees belong-

ing to said corporation, and all bridges that are now built and may be hereafter built in said city, and shall apply to any willful or malicious damage which may be done to the same by any person or persons whatever; and the common council may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of said trees and bridges, and enforce the same by adequate penalties.

Public grounds, &c., under control of city.

SEC. 9. All public squares, public buildings and public grounds within the limits of said city of Beloit, shall be under the control of said city, and the common council may make such ordinances in reference to the protection of the same as they may deem proper.

Suits or actions—how brought.

SEC. 10. When any suit or action shall be commenced against said city the service of process therein may be made by leaving a copy of the process, by the proper officer, with the mayor or city clerk, whose duty it shall be forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions of said council as may be in such case provided.

Powers.

SEC. 11. The said city may lease, purchase or hold real or personal estate, sufficient for the convenience of the inhabitants thereof and may sell and convey the same, and the same shall be free from taxation.

Not considered repealing, amending, &c.

SEC. 12. No general law of this State contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Justices of the peace to hold offices for term elected.

SEC. 13. Any justice of the peace of the town of Beloit, whose term of office shall not have expired at the time this act shall take effect, may hold and exercise the duties of his office for the residue of his term of office in the same manner as though this act had not been passed.

Laws respecting poor—overseers.

SEC. 14. The laws of this State for the relief and support of the poor in towns shall apply to said city, and the common council shall annually levy such tax as will be necessary to comply with the provisions of such laws. The aldermen of the different wards of said city being overseers of the poor in their respective wards.

How act to be construed—relating to bridge.

SEC. 15. This act shall be so construed as not to apply to the construction of the new bridge across Rock river in said city, on or near the site of the old one, but the expenses of building such bridge shall be paid by

the city and town of Beloit, jointly, each paying in the same proportions upon their assessment rolls the same as though said town and city were not divided, and all bonds now issued, or which may hereafter be issued, by the present board of supervisors for the payment of such bridge, shall be paid when due, both principal and interest, by the said town and city, in proportion to the valuation of their respective taxable property, or for their respective assessment rolls, the same as though said town and city were not divided.

Bonds issued by town, to be paid by city and town.

SEC. 16. All principal and interest upon all bonds which have heretofore been issued by the town of Beloit, for railroad stock or other purposes, shall be paid when the same, or any portion of the same, shall fall due, by the city and town of Beloit, in the same proportions as if said town and city were not dissolved, such proportions to be ascertained in the same manner as provided in the last section; and in case either town or city shall pay more than their just and equal portion of the same at any time, the other party shall be liable therefor, in the same manner as provided in said section.

Repealed.

SEC. 17. All that part of an act entitled "An Act to Incorporate the City of Beloit, approved March 31, 1856," and the act amending the same, approved Oct. 11, 1856, not embraced in this act, is hereby repealed.

May be altered, &c.

SEC. 18. This act may be altered, amended or repealed, by the legislature of this State.

Public act.

SEC. 19. This act shall be considered a public act, and shall be construed favorably in all courts and places.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 177.

An Act to authorize the laying out of a State Road from La Fayette County, near Warren, Illinois, via Wiota and Fayette, in La Fayette County, to Georgetown, in Iowa County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

Route.

SECTION 1. E. W. Jerman, A. D. Miller and William McGranaham, are hereby appointed commissioners and are hereby authorized to lay out and establish a State road from the State line, La Fayette county, near Warren, Illinois, via Wiota and Fayette, in La Fayette county, to Georgetown, in Iowa county.

Compensation.

SEC. 2. The above named commissioners shall receive such an amount for their services in laying out said State road as the counties through which the same shall pass shall see fit to give, and a majority of said commissioners shall be sufficient to establish said road.

Counties to pay for construction of road.

SEC. 3. The counties through which said road shall pass shall pay an equal amount of the expense of laying out and establishing the same according to the amount of road in each county.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 178.

An Act to lay out a State Road from Chippewa Falls, in Chippewa County, to Ashland, in La Point County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

Route.

SECTION 1. James Ermatinger, Stephen S. McCann, and William Wiley, are hereby appointed commissioners to lay out a state road from Chippewa Falls, in Chippewa county, to Ashland, in La Point county.

Counties to pay for construction of road.

SEC. 2. The expense of laying said road shall be paid by the counties in which such road shall be located, and no part thereof shall be paid by the State.

SEC. 3. Any two of said commissioners shall be authorized to lay out and establish said road. Two of commissioners may lay out road.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 179.

An Act to lay out a State Road from Portage City to Baraboo.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That William Owen, W. H. Tucker, and David Owen, are hereby appointed commissioners to lay out and establish a State road from Portage city to Baraboo, by the most feasible route. Commissioners. Route.

SEC. 2. The said commissioners shall be entitled to receive for laying out said road such compensation as the board of supervisors of the counties through which the road may pass may see fit to allow, no part of which, in any event, is to be paid out of the State treasury. Compensation.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 180.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. Soule, John Bartlett and George Strong are hereby appointed commissioners to lay out and establish a State road from the city of Hudson, in St. Croix county, by the way of Mount Helen, and near the mouth of the South Fork of Willow river, to Nelson, Knapp & Co's. Camp on Hay river, in Dunn county, and thence to Nelson, Knapp & Co's. saw mill on Red Cedar river, Commissioners. Route.

in Dunn county, upon the most direct and practicable route.

Compensation. SEC. 2. The commissioner shall be entitled to receive for locating and surveying said road such compensation for their services, from the counties through which said road shall pass, as the board of supervisors of said counties shall deem just and reasonable, provided that no part of the expenses of laying out said road shall be paid out of the State treasury.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 181.

AN ACT granting to James E. Windersteen, the right to keep and maintain a Ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to keep and maintain a ferry. SECTION 1. James E. Windersteen, his heirs, administrators and assigns, shall have the right and privilege of keeping and maintaining a ferry across the Wisconsin river at Point Bluff, near the line between sections eleven (11), and fourteen (14), township fifteen (15), north of range No. five (5) east, in the county of Adams.

Ferry subject to same regulations as other ferries, &c. SEC. 2. The said ferry shall be subject to such regulations as other ferries on said river are, or may by law be subject to, and no ferry shall hereafter be licensed within one mile of said point.

Tolls. SEC. 3. Said James E. Windersteen, his heirs or assigns, shall be entitled for crossing any vehicle drawn by two or more horses or oxen, fifty cents; for any vehicle drawn by one horse, twenty-five cents; for a single horse, fifteen cents; for each footman, ten cents; for each head of meat cattle, ten cents—after the first, five cents; for each hog or sheep, five cents—after the first, two cents.

SEC. 4. This act shall be in force from and after its passage.

Approved March 3, 1857.

Chapter 182.

An Act to incorporate the Milwaukee City Hotel Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Kneeland, B. Selby, Jr., Cicero Comstock, Charles H. Williams, and A. R. R. Butler, and such other persons as may hereafter become associated with them in the manner hereinafter provided, their successors and assigns, shall be and are hereby declared and created a body politic and corporate, under the name and style of the "Milwaukee City Hotel Company," with perpetual succession, and by that name shall have and enjoy all the privileges, franchises and immunities incident to a corporation; and by that name shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable of purchasing, holding, leasing, selling and conveying estates real, personal and mixed, as far as may be necessary and proper for the construction, management and usefulness of a first class hotel in the city of Milwaukee, with the usual and necessary outbuildings and appurtenances; they may have a common seal which they may renew or alter at pleasure, and generally may do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the said corporation. Corporators. Style. Capable of.

SEC. 2. The capital stock of the said corporation shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be subscribed in the manner hereinafter provided. The directors of the said company may, in their discretion, receive payment for stock subscribed, in labor, goods, wares, merchandize, real estate, or money, and may receive donations thereof; and the said company is hereby authorized to hold, use, lease, sell and convey all such goods, wares, merchandize and real estate as it may receive by way of donations and in payment for stock subscriptions, or in payment or in pledge, or as security for any other debt which may be due to the company. Capital stock.

Management. SEC. 3. The affairs of the said company shall be managed by a board of five directors, who shall be stockholders, and who shall be chosen by ballot, each share of stock to be entitled to one vote, the votes to be given in person, or by proxy duly authorized. The said James Kneeland, B. Selby, Jr., Cicero Comstock, Charles H. Williams and A. R. R. Butler, shall be the first directors of the said company, and shall hold their offices until the first Monday of January, A. D. 1858, and until their successors shall be chosen. The first election of directors of said company, shall be held on the first Monday of January next, at such place in the city of Milwaukee as the board of directors shall prescribe; and annually thereafter, five directors of the said company shall be elected at such time, place, and in such manner as may be prescribed in the by-laws of said company. The directors shall appoint one of their number president, and such other officers and agents as they shall deem necessary for the transaction of its business.

First directors.

First election.

Appoint officers.

Quorum. SEC. 4. A majority of the said directors shall constitute a quorum for the transaction of business; they shall have power to make and establish such by-laws, rules, orders and regulations, as may be necessary for the management of the affairs of said company; to prescribe the time and manner of opening the books for subscriptions, and raising subscriptions to the capital stock of the said company, and the time and manner in which payment shall be made for the stock so subscribed; to make such covenants, contracts and agreements with any person or persons, corporation, or body politic whatever, as they may deem expedient and for the interest of the company; and also, to make such rules and regulations for the forfeiting the stock of any stockholder who shall neglect or refuse to pay any installment which may be due thereon, as they may deem fit and proper.

Powers.

In case no election. SEC. 5. If, for any cause, an election for directors shall not be held at the time specified therefor, the same may be held at any other time, upon such notice being published as may be prescribed in the by-laws of said company, and until such election, the directors of the preceding year shall continue to act, and the charter shall not be voided by reason of any irregularity or want of such election; and in case of vacancy

Vacancies.

from the death or resignation of any director, his place may be filled by the board of directors.

May borrow money.

SEC. 6. The said company are hereby authorized, in their corporate capacity, to borrow money, in any sum or sums, from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name, all necessary writings, notes, bonds or other papers, and make, execute and deliver such securities in amount and kind, as may be deemed expedient by the said corporation, for the purposes necessary in carrying out the objects of the said company; and the official acts of the said company are declared binding in law and equity upon the said corportion and upon all other parties to said contracts.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 183.

An Act authorizing James Scott and Robert Scott to build and maintain a Dam across Fox River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to build a dam.

SECTION 1. That James Scott and Robert Scott, their heirs associates and assigns, be, and they are hereby authorized to build and maintain a dam across Fox River, on section fourteen, in township number three, north of range number nineteen east, in the county of Racine; and also, to erect mills and other machinery, or in any other manner make use of the water of said Fox River at such dam, for hydraulic purposes.

How not to be construed.

SEC. 2. This act shall not be so construed as to release said James Scott and Robert Scott, their heirs, associates or assigns, from any claim for damages, which any person or persons may sustain in consequence of the erection or maintenance of said dam.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 184.

An Act to authorize Daniel Banfill to construct a Bridge across Platte River, in the County of Grant.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to construct a toll bridge.

SECTION 1. Daniel Banfill, his associates and assigns, are hereby authorized to construct and maintain a toll bridge across Platte River, in the county of Grant, at or near the mouth of said river, to and from any lands on the borders of said river, owned by the said Banfill or his associates.

Gauge.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free passage to all crafts or boats running up or down said river, without any hindrance, let or delay.

Power to collect tolls.

SEC. 3. The said Daniel Banfill, his associates and assigns, shall have power, immediately after the completion of said bridge, to demand and collect toll for passing said bridge, as follows: For any vehicle drawn by two horses, mules or oxen, twenty-five cents; and for each additional horse, ox or mule, six cents; for any vehicle drawn by one horse or mule, fifteen cents; for a single horse, ten cents; [for each foot passenger, five cents;] and for all animals in droves, three cents each.

Approved March 3, 1857.

Chapter 185.

An Act to authorize certain Towns therein named to loan their Credit to Aid in the construction of the Milwaukee and Fond du Lac Air Line Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns named may loan their credit to Mil. & Fond du railroad.

SECTION 1. The respective boards of supervisors of the towns of Empire, Osceola, Eden, Auburn and Ashford, in the county of Fond du Lac, are hereby authorized and empowered to loan the credit of said towns

by issuing the bonds of their respective towns to aid in the construction of the Milwaukee and Fond du Lac Air Line railroad, on the conditions and for the purpurposes hereinafter mentioned, for any sum not exceeding in amount, for each town, the sum of thirty thousand dollars.

Bonds.

SEC. 2. Such bonds shall be signed by the chairman of the board of supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars, or of one thousand dollars each; shall be payable in the city of New York in twenty years from their date, with interest, payable semi-annually, in the city of New York, at not exceeding ten per cent. per annum.

Electors to vote upon issue of the same.

SEC. 3. No such bonds shall be issued until a majority of the legal voters of the town, voting upon the question, shall have voted in favor of such issue. The election for that purpose shall be called by the supervisors of the respective towns mentioned in this act, on the written application of the company, served upon the clerk of such town or towns, or be ordered to be held on the day of the annual town meeting; but in either case notice of the election shall be posted up in five public places in the town, and be published in a newspaper, printed in the county, for twenty days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, and the railroad for which they are to be issued. At such election, those voting in favor of the proposition shall deposit a ballot containing the words "For the Railroad loan," and those voting against it shall deposit a ballot containing the words "Against the Railroad loan." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting; *Provided, however*, That no such election shall be called or ordered by the supervisors of any town mentioned herein, except the same shall be requested in writing, by petition, of not less than twenty freeholders in such town, and when such petition shall be presented to the supervisors of such town, they shall call an election as herein provided.

Ballots—what to contain.

Proviso

Before delivery of bonds, railroad com-

SEC. 4. Before the delivery to the railroad company hereinbefore named, of any of the bonds which may

pany to execute bonds to towns.

be issued in pursuance of the provisions of this act, such railroad company shall execute to the treasurers of said towns, and their successors in office, and deliver to the said boards of supervisors of the towns issuing such bonds, for the use and benefit of said towns, the bond of said company, under the proper legal authority of its board of directors, signed by their president and countersigned by their secretary under the corporate seal of said company, in a penal sum of at least double the amount of the bonds to be issued to such company, with conditions and covenants therein that such company shall punctually pay and discharge the principal and interest moneys of the bonds of said towns, so received by them, as the said principal and interest shall become due and payable, and shall also save harmless the said towns against all payments, liabilities, losses, damages, costs and expenses which the said towns may incur or sustain in consequence of the issue and delivery of the said bonds of said towns, to such company; and the said bonds of such company so executed and delivered to said treasurers and boards of supervisors of said towns, are hereby declared to be legal and valid against such company so issuing them according to the tenor and effect thereof.

For the faithful performance of conditions of bonds railroad company to secure towns by mortgages.

SEC. 5. To secure the performance of the covenants and conditions of the bonds of said railroad company so to be issued to said town treasurers and boards of supervisors for the use of said towns, such company so issuing their said bonds shall, at the same time, execute to the treasurers of said towns, and their successors in office, and deliver the same to the boards of supervisors of said towns, a mortgage executed in due form of law, upon some portions, sections or divisions of the said railroad of said company, six miles in length for every thirty thousand dollars of the bonds of said towns so issued to said railroad company, and at that rate for any amount of the bonds of said towns, so issued to said company, which said mortgage or mortgages, shall convey such portions of said railroad so mortgaged, its equipments, real estate, buildings, personal property and franchises, as well that thereafter to be acquired and constructed as that already acquired and constructed at the time of the execution of such mortgage or mortgages, and shall contain therein covenants of warranties of the titles thereto, and shall be the first mort-

gage or lien upon said property, subject to a first and prior mortgage or lien upon said property for a sum not exceeding twelve thousand five hundred dollars per mile for every mile of road embraced therein, to be ascertained by dividing the aggregate amount of the bonds secured by such first mortgage, by the number of miles of such road embraced in the same.

Faith of towns irrevocably pledged—principal and interest.

SEC. 6. The faith of the towns mentioned in this act is hereby irrevocably pledged for the full and punctual payment of the principal and interest of every such bond which shall be issued by any of such towns, in pursuance of this act, and the boards of supervisors of said towns shall have power to provide for the payment of the whole or any part of said principal and interest due or to become due on the said bonds issued by said towns, and it shall be the duty of said boards of supervisors to provide for the payment of any portion thereof which shall not be provided for by the said railroad company to which the same may have been delivered, by levying and collecting, from time to time, such special taxes on the real and personal property in said towns, liable to taxation, as may be sufficient to pay and discharge the same, which taxes shall be levied and collected in the same manner as town and county taxes.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 186.

An Act to authorize the town of Neenah to aid in the construction of the Wisconsin and Superior Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to subscribe to capital stock of Wis. & Sup railroad.

SECTION 1. For the purpose of aiding in the construction of the Wisconsin and Superior Railroad, the board of supervisors of the town of Neenah, in the county of Winnebago, are hereby authorized to subscribe to the capital stock of said railroad company for said town, an amount not exceeding one hundred thousand dollars, upon the terms and conditions hereinafter mentioned.

How bonds to be issued.

SEC. 2. The board of supervisors may, by resolution to be entered in the town records, authorize the chairman of said town to subscribe for said town, the amount of stock aforesaid, and to issue the bonds herein provided for; and in case the chairman shall neglect or refuse to perform such service, the board of supervisors may, by like resolution, appoint some one of their number who will perform the same.

Bonds to bear interest, payable semi-annually.

SEC. 3. The board of supervisors of said town shall have power to issue the bonds of said town, on not exceeding twenty years time, with coupons or interest warrants attached, drawing an annual interest of eight per cent., to be paid semi-annually, at the office of said railroad company, in the city of New York, or at any solvent banker in said city, of which due notice shall be given, to pay for the stock so subscribed; and shall have power to levy a special tax on the taxable property in said town, to pay the interest on such bonds, and also the principal when the same shall become due; *Provided, however*, That the proceeds of the bonds herein authorized to be issued by the town of Neenah to pay for the stock so subscribed, shall be expended in the construction of that portion of said railroad running northward from the city of Oshkosh; *And, provided further*, That the said board of supervisors shall not have power to dispose of such bonds for less than the face thereof.

Proviso.

Further proviso.

Town subject to same liabilities as stockholders.

SEC. 4. When such stock shall be subscribed as aforesaid, said town shall have the same powers and privileges, and shall be subject to the same liabilities as other stockholders in said company, excepting only the reservations and agreements which may be made by and between the said board of supervisors and such railroad company.

Railroad company to execute bonds to supervisors.

SEC. 5. Upon the execution and delivery of one hundred thousand dollars, or any less amount, in the bonds of said town, of the denomination of not exceeding one thousand dollars each, with coupons or interest warrants attached as aforesaid, the said railroad company shall execute and deliver to said board of supervisors, a bond or bonds, to be approved by said board of supervisors, obligating said railroad company to save said town harmless from all claims or demands against said town on account of any interest which may accrue or become due upon said bonds or any

portion thereof, until such railroad, or portion of road for the construction of which such stock shall be subscribed, shall be in operation, and also to apply and faithfully expend the avails of said bonds in building said road, or portion thereof, as aforesaid. And so long as such railroad company shall actually and punctually pay the accruing interest on such bonds, said railroad company shall receive and be entitled to all dividends declared on said stock.

Electors to vote upon the issue of bonds.

SEC. 6. Before the issue or delivery of any bonds or subscription of stock by the board of supervisors in pursuance of this act, an ordinance for that purpose, shall be submitted to and be approved by the legal voters of the town of Neenah, at an election for that purpose, to be called by the said board of supervisors, of which at least two weeks' notice shall be given, by publishing the same, together with a copy of such ordinance, in one newspaper published in said town, which election shall be held at the usual place of holding town elections, and shall be conducted and the votes returned and canvassed in the same manner as at other town elections; the vote at such election shall be by ballot, on which shall be written or printed the words, "For the Railroad ordinance," or the words "Against the Railroad ordinance," and if a majority of the whole number of votes cast at such election, shall be for the railroad ordinance, the bonds whose issue and delivery shall be provided for in such ordinance may be issued and delivered, and not otherwise.

Ballots—what to contain.

Supervisors may enter into further agreements with railroad company to protect town, &c.

SEC. 7. The board of supervisors of said town, shall have power and authority to make, conclude and enter into any agreement with said railroad company, which they may deem necessary for the protection and security of said town, on account of taking such stock and issuing the bonds of said town in payment thereof, as aforesaid; and the said board of supervisors shall also have power, and it shall be their duty, to appoint some person or persons to cast the number of votes to which said town may be entitled at any election of directors, and to represent said [town] in any meeting of the stockholders of said railroad company.

SEC. 8. This act shall take effect and be in full force from and after its passage.

Approved March 3, 1857.

Chapter 187.

An Act to incorporate the Elkhorn Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Wm. H. Pettit, Otis Preston, Geo. Buckley, C. W. Sibley, D. M. Gaskill, Lot Mayo, Wyman Spooner, Le Grand Rockwell, J. F. Britt, H. S. Winsor, Edward Elderkin, B. B. Barnes, and such persons as may become associated with them in the manner hereinafter prescribed, are hereby created a body corporate and politic, with perpetual succession, by the name and

Style.

style of the "Elkhorn Academy," by which name they and their successors shall be forever known, and shall have power to sue and be sued, contract and be contractad with, plead and be impleaded, defend and be defended in all courts of law and equity. Said corpo-

Power.

ration may have a common seal and may alter and break the same at pleasure, and shall have power to purchase, receive, possess, hold and enjoy property real and personal, and the same to sell and convey, rent or

Proviso.

otherwise dispose of at pleasure; *Provided*, The whole amount of real estate owned by said corporation at any one time shall not exceed fifty thousand dollars in value.

Stock to be divided into shares—each share entitled to one vote.

SEC. 2. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be directed by the by-laws of the corporation, and every stockholder in said corporation shall, at all meetings of the same, be allowed one vote, either in person or by proxy, for each share of stock standing to his name on the books of the corporation, and actually owned by him at the time of such meeting.

Opening books of subscriptions—closing same; electing officers, &c.

SEC. 3. The persons named in the first section of this act, or a majority of them, may, at any time, within two years after the passage of this act, open books of subscription for the capital stock of said corporation, and whenever, in their opinion, a sufficient amount shall have been subscribed, shall for the time being close said books, and call a meeting of the stockholders, for the purpose of electing officers and fully organizing

said corporation under this act, which meeting shall be notified by a notice naming the time and place thereof, published three successive weeks in some newspaper printed in the county of Walworth.

Election of trustees.

SEC. 4. At such legally notified meeting the stockholders shall have power, and it shall be their duty, to elect by ballot nine of their number as trustees, three of whom shall be designated on the ballots as trustees for one year, three for two years, and three for three years; and after the first election three trustees shall be elected annually by ballot; *Provided*, That all trustees shall hold their offices till their successors are duly elected.

Proviso.

Trustees to elect a president & other officers.

SEC. 5. The said trustees shall have power and it shall be their duty immediately after their election as hereinbefore provided, and annually thereafter, to elect one of their number president; and also to elect from their number a secretary and treasurer and such other officers as the by-laws of said corporation shall require; and all such officers shall hold their offices for one year, and until their successors are elected. The said trustees shall also have power: 1st. To make and establish all needful by-laws for the government and management of said co-operation; 2d. To call special meetings of the stockholders to fill vacancies in the board of trustees; 3d. To buy, receive, sell, lease, mortgage or otherwise dispose of, any real or personal estate as shall be deemed by a majority of the trustees for the interest of the corporation; 4th. To employ suitable teachers, and to prescribe the course of study and discipline to be observed in said academy and the rates of tuition in the same; 5th. To prescribe the duties and fix the amount of compensation of all teachers and officers of said corporation, and to remove the same for sufficient cause shown; 6th. To make all necessary and lawful acts fully to carry out the purposes of this act.

Trustees have power.
1st.
2d.
3d.
4th.
5th.
6th.

Location.

No religious test required.

SEC. 6. Said academy shall be located at the village of Elkhorn, in the county of Walworth. No religious test or qualification shall ever be required of any trustee, officer, teacher or pupil, nor shall sectarianism in religious matters ever be taught in said academy, but the same shall be an institution for inculcating morality and teaching the arts and sciences.

All moneys, &c., to be ap-

SEC. 7. All sums of money actually paid in as stock subscriptions, and all gifts, devises, bequests and con-

plied to carry out the objects of this act.

tributions to said corporation shall be faithfully applied by the trustees to carry out the objects of this act, and a report of all receipts and expenditures, and of the financial condition and general standing of the corporation, with a catalogue of students shall be annually made and published by the trustees for the benefit and information of the stockholders.

SEC. 8. This act shall be in force from and after its passage.

Approved March 3, 1857.

Chapter 188.

AN ACT to lay out and establish a State Road from Newport, in Columbia County, to Reedsburgh, in the County of Sauk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

Route.

SECTION 1. Jared Fox, John H. Fuller and George H. Benjamin, are hereby appointed commissioners to lay out and establish a State Road from Newport, in Columbia County, to Reedsburg in Sauk County.

Compensation.

Proviso.

SEC. 2. Said commissioners shall upon the laying out and establishing said road, be entitled to such compensation for their services, as the supervisors of the counties through which the road shall pass, shall allow to be paid out of the county treasury; *Provided*, That no part of the expense of laying out said road, shall be paid out of the State Treasury.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 189.

An Act to authorise the village of Appleton to aid in the construction of the Wisconsin and Superior Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of aiding in the construction and completion of the Wisconsin and Superior Railroad, the president and trustees of the village of Appleton are hereby authorized to subscribe to the capital stock of said railroad company for said village, an amount not exceeding the sum of one hundred thousand dollars, upon the terms and conditions hereinafter named. **Authorized to subscribe to Wis & Sup. railroad.**

SEC. 2. The board of trustees may, by resolution to be entered in the village records, authorize the president to subscribe for the village the amount of stock aforesaid, and to issue the bonds herein provided for, and in case the president shall neglect or refuse to perform such service, the board of trustees of said village may, by like resolution, appoint some one of their number who will perform the same. **Bonds—how issued.**

SEC. 3. The board of trustees of said village shall have power to issue the bonds of said village on not exceeding twenty years' time, with coupons or interest warrants attached, drawing an annual interest of eight per cent., to be paid semi-annually, at the office of said railroad company in the city of New York, or at any solvent bank in said city, of which due notice shall be given, to pay for the stock so subscribed, and shall have power to levy special tax on the taxable property of said village, to pay the interest on such bonds, and also the principal, when the same shall become due; *Provided, however,* That the proceeds of the village bonds herein authorized to be issued by the village of Appleton, to pay for the stock so subscribed, shall be expended in the construction of that portion of said railroad running northward from the city of Oshkosh; *And, provided further,* That the said board of trustees shall not have power to dispose of such bonds for less than the face thereof. **Bonds to bear interest, payable semi-annually.** **Proviso.** **Further proviso.**

Village subject to same liabilities as stockholders.

SEC. 4. When such stock shall be subscribed as aforesaid, said village shall have the same powers and privileges, and shall be subject to the same liabilities as other stockholders in said company, excepting only the reservations and agreements which may be made by and between the said board of trustees and such railroad company.

Railroad company to execute bonds to board of trustees.

SEC. 5. Upon the execution and delivery of one hundred thousand dollars, or any less amount, in the bonds of said village, of the denomination of not exceeding one thousand dollars each, with coupons or interest warrants attached as aforesaid, the said railroad company shall execute and deliver to said board of trustees a bond or bonds to be approved by said board of trustees, obligating said railroad company to save said village harmless from all claims or demands against said village, on account of any interest which may accrue or become due upon said bonds, or any portion thereof, until such railroad, or portion of road, for the construction of which such stock shall be subscribed, shall be in operation, and also to apply and faithfully expend the avails of said bonds in building said road, or portion thereof, as aforesaid, and so long as such railroad company shall actually and punctually pay the accruing interest on such bonds, said railroad company shall receive and be entitled to all dividends declared on said stock.

Electors to vote upon an ordinance loaning credit of town.

SEC. 6. Before the issue or delivery of any bonds or subscription of stock by the president and board of trustees in pursuance of this act, an ordinance for that purpose shall be submitted to and be approved by the legal voters of said village of Appleton at an election for that purpose, to be called by the said board of trustees of which at least two weeks' notice shall be given by publishing the same, together with a copy of such ordinance in one or more of the newspapers published in said village, which election shall be held at the usual place of holding village elections, and shall be conducted and the votes returned and canvassed in the same manner as other village elections. A vote at such elections shall be by ballot on which shall be written or printed the words "for the railroad ordinance," or the words "against the railroad ordinance," and if a majority of the whole number of votes cast at such election shall be for the railroad ordinance, the bonds

Ballot—what to contain.

whose issue and delivery shall be provided for in such ordinance may be issued and delivered, and not otherwise.

Board of trustees may enter into further agreement for protection of town, &c.

SEC. 7. The board of trustees of said village shall have power and authority to make, conclude and enter into any agreement with said railroad company which they may deem necessary for the protection and security of said village on account of taking such stock and issuing the bonds of said village as payment thereof as aforesaid, and the said board of trustees shall have power and it shall be their duty to appoint some person or persons to cast the number of votes to which said village may be entitled at any election of directors, and to represent said village in any meeting of the stockholders of said company.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 190.

An Act to amend and alter an act entitled "An act to consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereto."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section two of chapter six of the charter of the city of Oshkosh is hereby amended so as to read as follows:-Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge, or a court commissioner for the county of Winnebago, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition.

Repealed.

SEC. 2. Sections three, four and five of said chapter six are hereby repealed.

Amendment.

SEC. 3. Section six of said chapter six is hereby amended so as to read as follows: Upon the presenta-

tion of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve respectable freeholders, residents of said city, but not residents of the ward in which said premises may lie, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view said premises to be specified in said precept, and to make return under their hands, to the common council, whether in their judgment it is necessary to take said premises for the purpose specified in such application.

Amendment.

SEC. 4. Section ten of said chapter six is hereby amended so as to read as follows: The said jurors shall, at such time as they shall agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess and return, within the time limited, such damages and benefits to the common council; and after the jurors shall have made their report as to the [necessity of] taking any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who

shall neglect or refuse to serve; and the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Directions for platting land into city lots.

SEC. 5. Every individual, or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Oshkosh, who may desire to sub-divide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted, and before recording such plat as required by law, it shall be the duty of the person or persons making such plat to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same in the manner prescribed in the revised statutes of this State concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which duly certified to by the city clerk shall be affixed to said plat, it shall not be lawful for the register of deeds of Winnebago county to receive such plat for record, and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars; and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars nor more than one hundred dollars.

Forfeitures and liabilities.

SEC. 6. All forfeitures and liabilities which may be incurred and arise under and by virtue of this act, shall be prosecuted for and recovered in the name of the city of Oshkosh, and paid into the city treasury for the use and benefit of said city.

Mayor ex-officio member of board of supervisors.

SEC. 7. The mayor of said city of Oshkosh, shall be *ex-officio* a member of the county board of supervisors, of the county of Winnebago, and shall have the same powers and privileges in said board, as other members

thereof, are entitled to, and shall receive the same compensation for his services.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 191.

An Act to incorporate the Stevens' Point, Tepeeotah and Mankato, Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Thomas H. Ford, Joseph Casey, Duncan Sinclair, Champion S. Chase, John Lockwood, Anson Rood, John T. Kingston, Alanson Filer, Theadore Adams, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the

Style.

name and style of the Stevens' Point, Tepeeotah and Mankato railroad company, and by that name shall have perpetual succession, and have and enjoy all the privileges, franchises and immunities incident to a cor-

Capable of.

poration; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold such estate by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break,

Power.

and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Capital stock divided into shares; opening and closing of books, &c.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine, and the directors shall cause books to be opened at such times and places, as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them,

or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper printed in either of the counties through which said road may pass; and shall require three dollars on each share of stock subscribed, to be paid at the time of subscribing.

First directors.

SEC. 3. The said Thomas H. Ford, Joseph Casey, Duncan Sinclair, Champion S. Chase, John Lockwood, Theadore Adams, Anson Rood, Alanson Filer, John T. Kingston, shall be the first directors of said company, and shall hold their office until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders, as hereinbefore provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice, in a newspaper as aforesaid, of an election of eleven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until others are elected.

When books may be opened.

Managed by a board of directors.

SEC. 4. All the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation; they shall be chosen annually by ballot, at the annual meeting of the stockholders, which shall be held at such time and place in this State, as the directors shall from time to time prescribe; and the same notice of every such election shall be given as is herein required to be given, of the first election of directors; the directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the vote shall be delivered in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes shall be deemed and declared duly

Election of directors.

elected; the elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or loose any of its privileges, franchises or immunities, by reason of irregularity or want of such election.

Quorum.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president who shall serve for one year, or until other directors are elected. The president when present, shall preside at all meetings of the directors and stockholders, and in case of his absence, the directors present may appoint a president pro tem; the board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation and duties, demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy that may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any person failing to pay any installments, as also all previous payments thereon; and also in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholders the amount paid by him on any part of it; the directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, co-partnership or corporation, whatever, as the execution and management of the work, and convenience and interests of the company

President—duty.

Re-open books

Installments.

Tolls and charges, &c.

may require; to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad [constructed or to be constructed, by such railroad] company, and to lease, or sell, or connect to or with any other railroad company, the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution or laws of this State, as they shall think propor for the well ordering of the affairs of the said company, and the same from time to time to alter, amend, or repeal, and in general to superintend and direct all the operations, receipts, disbursements and all other affairs of said company.

May contract with other railroad companies, &c.

By-laws, &c.

Sec. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said company.

Stock deemed personal property.

Sec. 7. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Special meetings—how called.

Sec. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks, commencing near Stevens' Point, in town twenty-three or twenty-four, north of range eight east, running westwardly to the Mississippi river, near the mouth of Buffalo river, in either town twenty-one or twenty-two, opposite or nearly opposite Tepeeotah, or the grand encampment ground in Minnesota Territory; and the said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, or animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turnouts, side tracks and connecting tracks, as they shall think will promote the interests of the company, and to erect, construct and use such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running

Locate or construct a railroad with one or more tracks.

Further powers.

said railroad; and they shall have power to connect the said road with any other in this State with which they may come in contact, and to operate the same in connection with such other railroad or railroads.

May borrow money.

SEC. 9. The said company are hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages or other papers and securities, in amount or kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that may be incurred in the construction, repair, equipment or running of said road, and to make, execute, sell and deliver, at private or public sale, in or out of the State, bonds, in such sums and in such amounts, payable at such times, and bearing such rate of interest as may be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances, or real estate; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed; and the contracts and official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

May construct railroad upon any road.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same be necessary; but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impare the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad over any stream of water or watercourse, at such points of crossing the same as they may

locate the said road, with all the necessary abuttments, piers or other foundations.

May enter upon any lands and occupy same, by compensating owner for land.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees, and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width, along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer shall, in writing, to be signed by him, and recorded in the office of the register of deeds of the county in which such lands are located, decide, and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station-houses, or other fixtures and grounds about the same, for the operation, and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along the said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing gravel, earth or stone, or for the purpose of obtaining earth, gravel, timber, stone or other materials, for embankments, structures or superstructures necessary to the construction, or repair of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and where such compensation shall have been paid or tendered, the title to such land shall vest in said company, for the purposes of said railroad, and the said company shall have the right to hold the same, and whenever in the opinion of the said company, the same, or any part thereof, shall be no longer necessary for the purpose for which the same was taken, such land shall revert to the person, or persons, from whom said company took the same, upon such person, or persons, paying to said company, the amount which said person or persons received from said company,

for such land, with interest thereon, from the time such amount was paid by said company, to the time when said railroad company shall decide that such land is no longer necessary for the purposes for which it was taken.

Company to settle with owner or owners of land.

SEC. 12. The said company shall, if possible, agree with the owner or owners, of any and all lands upon which, by the provisions of this act they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which according to the aforesaid provisions, shall vest in said company, for the uses of said railroad, as to the amount of compensation to be paid for said land, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if such owner, or the person or persons owning or possessing such legal or equitable title, lien or incumbrance, shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such land shall be, or if not such resident, to their agent, if any in such county, such sum as the company deems reasonable, and if such offer of compensation [be neglected or refused, then such compensation] shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the judicial circuit in which such lands are located, either in term time, or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree, as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice, having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian, or hus-

In case company and owners cannot agree as to compensation, commissioners to be appointed to determine same.

band, or agent, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken, for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, or agent, if resident of the county in which such land shall be, and if not, shall deposit the same in the office of the clerk of the circuit court of such county, within thirty days after making such award, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs, and either party may, within ten days after such award shall be delivered, or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and after receiving the same, the said court shall enter the same as a case upon its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant, for the taking and using of the said land, and the court shall thereupon proceed to render judgement in favor of such claimant, and against said company, for the amount of such compensation; and if the amount so found in favor of such claimant, shall exceed the amount so found by said commissioners, then judgement shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgement shall be rendered in favor of said company for costs, and against said claimants; and when such compensation, so to be ascertained, according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the

Either party may appeal.

Court to render judgment.

When compensation has been tendered and paid, title to vest in company.

county in which the land shall lie, to be disposed of by the order of the judge of said court, the title of the lands so taken, for any of the purposes aforesaid, shall vest in said company for the purposes of said railroad, and a copy of such award or judgement, filed in the office of the register of deeds of the county in which such lands shall lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation, so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterupted possession of such lands, for all the lawful purposes of said company; and they shall not while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy, and enjoyment by any proceeding, either in law or in equity, and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Pending proceedings company may use and occupy land.

No person incompetent as witness.

SEC. 13. No person shall be incompetent to be a witness, or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace or juror, in any such suit or proceeding, for the reason that such person is a stockholder in said company.

When company can charge for transportation of persons and property.

SEC. 14. On the completion of said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

Willful injury to road—punishment.

SEC. 15. If any person shall, willfully and knowingly, injure or destroy the railroad so to be constructed by said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending, shall each of them for every such offence, forfeit and pay to said company the sum of fifty dollars; and in case any damage shall ensue, an additional sum, equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be com-

mitted, and shall also be decreed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Company to fence enclosed grounds.

SEC. 16. Said company before opening their road through enclosed grounds, shall erect such fences as shall preserve such enclosures entire; and shall before they commence to use their road, erect a good and sufficient fence on both sides of said road, through all such grounds, and shall maintain the same.

First meeting of directors and stockholders—how called.

SEC. 17. The first meeting of the directors, and of the stockholders of the said company, shall be called by at least a majority of the directors named in this act, due notice of which meetings shall be published for two successive weeks previous to such meetings, in some newspaper published in the village of Stevens' Point, in Portage County, and also at Milwaukee. A concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish any one resolution or by-law of said company.

When rights and privileges cease.

SEC. 18. All rights, privileges and immunities herein granted to said company, shall cease and terminate at the expiration of six years from the passage of this act, unless said company shall have ten miles of said railroad in actual and active operation by that time.

Public act—to be favorably construed.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the State, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 192.

An Act to incorporate the Kingston Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Warren D. Fox, Cephas Wilson, Mortimer W. Stevens, George B. Worth, Joseph Pease,

Orren W. Bon, Stephen G. Thayer, Parker Hazleton, Charles Hewitt, Patrick Walsh, Z. Boznton, Josiah H. Durth, Samuel B. Howard, and Zachariah Kinnear, and such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the Kingston Academy, by which name and style they and their successors shall ever be known, and shall have power to sue and be sued, to contract and be contracted with, to plead and be impleaded, to defend and be defended in all courts of law and equity; said corporation shall have a common seal, and may alter or renew the same, and shall [have] power to acquire, purchase, receive, possess, hold and enjoy property real and personal, not exceeding in value the sum of ten thousand dollars, and to sell, lease, convey, or otherwise lawfully dispose of the same at pleasure.

Style.

Power.

Capital stock.

SEC. 2. The capital stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be provided in the by-laws of the same.

Three of the corporators have power to call a meeting for the purpose of organizing.

SEC. 3. Any three of the persons above named shall have power to call the first meeting, for the purpose of effecting an organization of said corporation, by posting up at least three notices in the village of Kingston, in Marquette county, where the academy of said corporation is hereby located, which said notice shall specify the time and place of holding such meeting, as well as the object of the same, and shall be so posted up at least ten days before the time therein specified.

At first meeting to elect trustees.

SEC. 4. At the first legally notified meeting, the stockholders shall have power to elect, by ballot, nine *trustees*, whose term of office, unless otherwise determined by the by-laws, shall be one year and until their successors are duly elected; a majority of said trustees shall constitute a quorum.

Elections to be by ballot—each share of stock entitled to one vote.

Proviso.

SEC. 5. At all elections of said corporation the vote shall be by ballot; each share of stock shall entitle the owner to one vote, and any absent stockholder may vote by proxy, duly authorized in writing; ***Provided, however***, That at meetings of the board of trustees, no trustee shall be entitled to more than one vote.

General powers of trustees.

SEC. 6. The trustees shall have power: First. To elect from their number a president, secretary and

treasurer, who shall hold their offices during the same term for which they were elected to the office of trustees; Second. To call all special meetings of the stockholders to fill vacancies in the board of trustees, or for the transaction of other business; Third. To sell, locate, mortgage or otherwise dispose of any real or personal property belonging to said corporation, in such manner as shall be directed by the stockholders; also, to erect and keep in repair all necessary buildings for the use of said corporation; Fourth. To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy; Fifth, to prescribe the duties and fix the salaries of all the officers and teachers employed in said academy, and to remove or suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their places; Sixth. To make all regulations and by-laws necessary and proper to carry into effect the object of the corporation, and not inconsistent with the constitution and [laws of this State.]

No religious test required.

SEC. 7. No religious test or qualification shall be required of any trustee or officer of said corporation, nor shall any sectarian doctrines be taught in said academy.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 193.

An Act to authorize Charles Boles to keep and maintain a Ferry across the Chippewa River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to maintain a ferry across Chippewa river.

SECTION 1. Charles Boles, his heirs, executors or assigns, are hereby authorized and empowered to keep and maintain a ferry across the Chippewa river, on section two (2), township twenty-six (26) north of range eleven (11) west, in the county of Dunn, for the period of five years. No ferry shall be licensed within two miles above or below the same.

Subject to same regulations as other ferries; tolls.

SEC. 2. The said ferry shall be subject to the same regulations as other ferries are, or may be by law subject; and the proprietor thereof shall be entitled to receive the sum of fifty cents, for crossing any vehicle drawn by two horses or other animals; for each additional animal, fifteen cents; for any vehicle drawn by one horse or other animal, twenty-five cents; for horses or cattle in droves, ten cents each; for hogs or sheep in droves, five cents; and for each footman, ten cents.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 194.

An Act to authorise the officers of School District number seven, in the town of Darien, to borrow money for the use of said district.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to borrow money to build a school house.

SECTION 1. The officers of school district number seven in the town of Darien, county of Walworth, be, and they are hereby authorized to borrow for the use of said district any sum or sums of money not exceeding one thousand dollars, to be appropriated to the sole and only use of building a school house in and for said district, and to make and execute in the name of said district any pledge or security in such manner as said district may direct, to secure the payment of such money so borrowed with the interest thereon within four years thereafter; *Provided*, That said money shall not be borrowed unless a majority of the inhabitants qualified by law, to vote at a school district meeting in said district, assembled for that purpose at a special district meeting called pursuant to law, shall authorize the borrowing the same, and direct and determine the time and manner of repayment, and the nature and extent of the security to be given therefor.

Proviso.

SEC. 2. This act shall take effect from and after its passage.

Approved March 3, 1857.

Chapter 195.

An Act to authorise Henry Volk to maintain a dam and booms on the Oconto river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorised to maintain a dam and booms across the Oconto river.

SECTION 1. That Henry Volk, his associates, successors, heirs and assigns, are hereby authorized to maintain a dam and booms (now built) on the Oconto river, on lots 1 and 2, in section 25, town 28, range 19, said dam not to exceed ten feet in height above high water mark; and shall also construct, maintain and keep in good order a good and sufficient slide in said dam, so at all times to give a free and unobstructed passage to all rafts, logs and other lumber passing down said Oconto river.

Maintain a boom on south side of river.

SEC. 2. Also to maintain a boom on the south side of the river, commencing at the dam, and running up in front of lots 2 and 3, in section 26, and lot 1, in section 23; *Provided*, That said boom shall be so constructed as not to prevent the free and unobstructed passage of all rafts, logs and other lumber passing down said river belonging to other persons.

Proviso.

To pay owner or owners for overflowing lands.

SEC. 3. In the event that said dam cause the water to overflow any land not owned by Henry Volk, his associates, successors or assigns, which flowing is hereby authorized, then he or they shall pay to the owner or owners thereof, such sums as said land is reasonably worth, irrespective of any enhancement of the value thereof by reason of the erection of said dam, such value to be ascertained by the appointment of three disinterested persons by the judge of the county of Oconto, and their verdict shall be binding on the parties; *Provided*, That either party shall have the right of appeal to the circuit court of said county of Oconto.

Proviso.

SEC. 4. This act to take effect on and after its passage.

Approved March 3, 1857.

Chapter 196.

An Act to vacate certain Highways in the City of Hudson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Vacated.

SECTION 1. All public highways, running into or through the city of Hudson, which do not conform to the streets thereof, as now of record, are hereby vacated.

SEC. 2. This act shall take effect and be in force, from and after its passage.

Approved March 3, 1857.

Chapter 197.

An Act for the relief of certain School Districts in the town of Lima, county of Grant.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To give notice of a special town meeting; its object.

SECTION 1. The town superintendents of the towns of Lima and Ellenboro, in Grant county, shall give notice of a special meeting to the legal voters of joint school districts number six and eight, in the towns of Lima and Ellenboro, as required by law to be given when districts are to be first organized. Said meeting shall be held at the Johnson school house, *in* district number six; and if the majority voting at such meeting shall vote in favor of uniting said districts, they shall be united as heretofore, and shall be called district number six; but if said majority voting at such election shall vote against said union, then the said districts are to remain as now, districts number six and eight. The school property belonging to said districts shall, if united, belong to district number six, and the officers of said district shall be the officers of the joint district.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 198.

An Act to amend an act, entitled, "An Act to incorporate the Arena and Dubuque Railroad Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Southern terminus of the Arena and Dubuque railroads.

SECTION 1. The southern terminus of the Arena and Dubuque railroad company, is hereby fixed at some point in the south line of this State, within one mile of the left bank of the Mississippi river.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 199.

An Act to incorporate the Fond du Lac Hotel Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. George McWilliams, N. P. Tallmadge, A. G. Ruggles, B. F. Moore, M. J. Thomas, John B. Wilbur, John Bannister, Keyes A. Darling and C. A. Eldridge, with such other persons as shall hereafter become subscribers to the capital stock of the Fond du Lac Hotel Company, their successors and assigns, shall be and are hereby declared and created a body corporate and politic, by the name and style of the "Fond du Lac Hotel Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law, of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable of purchasing, holding, selling, leasing and conveying estate, real, personal and mixed, as far as may be proper and necessary for the construction, management and usefulness of a first class hotel in the city of Fond du Lac, with the usual and necessary out build-

Style.

General powers.

ings and appurtenances; they may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular, the matters and things which to them shall lawfully appertain to do for the well being of the corportion.

Capital stock. Management.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot, each share of stock being entitled to one vote; the votes may be delivered in person or by proxy duly authorized; which directors shall appoint one of their number president; and for the purpose of electing the first directors, the above named persons, or any three of them, may give ten days' notice in one or more newspapers published in the city of Fond du Lac, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing directors, and annually thereafter, on the second Monday in January, the stockholders shall meet for electing directors as aforesaid; *Provided*, That none but stockholders shall be elected directors.

Quorum.

SEC. 3. A majority of said board of directors shall constitute a quorum for the tranaction of business; they may, immediately after the first election of directors, cause books to be opened at such time and place as a majority of the directors shall direct, for the purpose of receiving additional subscription to the capital stock of said company; they shall have power to make and establish such by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said corporation; to make such covenants, contracts, leases and agreements with any person or persons, copartnership, or body politic, whatever, as they may deem expedient and for the interest of the company.

May open books, &c.

In case no election on the day specified.

SEC. 4. If, from any cause an election of directors shall not be held at the time specified therefor, the same may be held at any other time, upon ten days' notice being published as aforesaid, and until such election, the directors of the preceding year shall continue to act, and their charter shall not be voided or otherwise affected, by reason of any irregularity or want of such election; and in case of vacancy from

the death or the resignation of any director, his place may be filled by the board of directors.

SEC. 5. The said company are hereby authorized, in their corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name any necessary writings, notes, bonds, mortgages, or other papers, and make, execute and deliver such securities in amount or kind as may be deemed expedient by said corporation for all purposes necessary in carrying out the object of said company; and the official acts of said company are declared to be binding in law and equity upon said corporation and upon all other parties to such contract. May borrow money.

SEC. 6. This act is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof, and the same shall take effect from and after its passage. Public act.

Approved March 3, 1857.

Chapter 200.

An Act to incorporate the Fifth Ward Building Association of the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That James Douglas, Jasper Humphrey, Hiram Merrill, Fredrick Reymert, and E. M. Shoyer, and their successors and associates, are hereby made, constituted and declared a body corporate and politic, by the name and style of the "Fifth Ward Building Association," and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation, and shall be capable in law, of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold such estate by gift, grant, purchase, devise or lease. They may make, have and use a common seal, and break, alter and renew the same at pleasure, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, Corporators. Style. General powers.

defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation lawfully appertains to do and perform.

Capital stock.

SEC. 2. The capital stock of the said corporation shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and the directors shall cause books to be opened at such times and places as they or a majority of them may designate, to receive subscriptions to the capital stock of the said corporation, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least one weeks notice of such times and places, by advertising in a newspaper published in the city of Milwaukee, and shall require such sum, not less than five dollars, on each share of stock subscribed, to be actually paid in at the time of subscribing.

Opening books &c.

First directors.

SEC. 3. The said James Douglas, Jasper Humphrey, Hiram Merrill, Frederick Reymert, and E. M. Shoyer, shall be the first directors of the said corporation, and shall hold their office until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors, elected by the stockholders, as hereinafter provided, and as soon as twenty-five thousand dollars of the capital stock of said corporation shall be subscribed, and five dollars on each share thereof, actually paid in, the said directors may close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give not less than one weeks notice, in a newspaper aforesaid, of an election of five directors by the stockholders, at some time and place to be designated by them, and the directors thus elected, shall hold their office until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Powers.

Management.

SEC. 4. The affairs of the said corporation shall be managed by a board of five directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the said corporation. The directors shall be elected annually by ballot at the annual meeting of the stockholders, to be holden at such times and places as may be prescribed in the by-laws of the

Directors elected annually.

said corporation, and the same notice of every such election shall be given as is herein prescribed for the first election of directors. The directors shall be elected by the stockholders, each share of stock being entitled to one vote, to be deliverd by the holder of such stock, or by proxy duly authorized; and at all elections of directors, the five stockholders receiving the highest number of votes shall be deemed and declared elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the corporation. If for any cause an election of directors shall not be held at the time prescribed in this act for that purpose, the said corporation shall not for that reason be dissolved, but such election may be held at such time thereafter as the directors may appoint, on one weeks notice being given as aforesaid.

Elections—how conducted, &c.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business, and the directors may meet at such times and places as they shall determine; they shall appoint one of their number president, and may appoint such other officers, agents and servants, as may be deemed necessary to transact the business of said corporation, fix their compensation and duties, and demand an adequate security for the performance of their respective duties, and may fill any vacancy which may occur in their own board. The directors shall have power to re-open the books of subscription to the capital stock of the company, or open new books under their own direction or the direction of such person or persons as they may designate, to determine the amount of installments to be paid from time to time on such subscription, and to forfeit to the use of the company the share or shares of any person failing to pay any installment, as also all previous payments thereon, or to enforce by law the payment of any installment due.

Quorum and meetings.

Officers.

Directors may re-open books.

SEC. 6. All shares of stock in this company, owned by any person, shall be deemed personal property, and shall be transferable in manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said corporation.

Stock deemed personal property.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one fourth of the capital stock, on like

Special meetings.

notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

May purchase suitable grounds for erection of buildings, &c.

SEC. 8. The said corporation is authorized and empowered to acquire by purchase, gift, devise, or otherwise hold and enjoy suitable grounds in the city of Milwaukee, for that purpose, and thereon to erect such buildings as the said directors shall determine, for dwelling houses and other purposes, and the same to use, occupy and lease, from time to time, and in such manner and at such rents as the directors of said corporation may from time to time determine, and said directors shall have full power and authority to make all needful and proper contracts for the purpose of carrying out the objects of this act.

May borrow money and execute notes, bonds, &c.

SEC. 9. The said corporation is hereby authorized and fully empowered in its corporate capacity to borrow money in any sum or sums, from any person or persons, corporation or body politic, of any kind, and for any rate of interest that may be agreed upon by and between the said coorporation and any party of whom such money may be obtained, and to make, execute and deliver all necessary writings, bonds, notes, mortgages or other papers and securities, in amount or kind, as may be deemed expedient by the said corporation, in consideration of such loan or loans, or in discharge of any liabilities that it may incur in the purchase of grounds or the erection of such buildings and the purchase of material therefor, to sell or dispose of such lands, mortgages or other securities for such sums and at such rates of discount as the board of directors shall deem expedient.

Musical, dramatic or literary societies may subscribe to capital stock.

SEC. 10. Any association organized for musical, dramatic or literary purposes shall have power to subscribe to the capital stock of the association, hereby incorporated, and shall have all the privileges and advantages, and be subject to all the duties and liabilities of stockholders under this act.

First meeting of directors and stockholders.

SEC. 11. The first meeting of the directors and of the stockholders of the said corporation, shall be called by at least a majority of the directors named in this act and this act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 201.

An Act to incorporate the River Falls Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

Style.

Corporate powers.

Proviso.

SECTION 1. That George W. Pratt, William Powell, Charles B. Cox, Duncan McGregor, Lyman Powell, George W. Cairns, D. W. Currier, Jacob Shepard and Solomon H. Burr, and their associates, be and are hereby created a body politic and corporate, with perpetual succession, by the name and title of the River Falls Academy, by which name they and and their successors shall be known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity; said corporation shall have a common seal, and shall have power to purchase, receive, acquire, possess, hold and enjoy property, real and personal, and the same to sell and convey, rent or otherwise lawfully dispose of at pleasure for the purposes of this incorporation; *Provided*, The real estate owned by this corporation shall not exceed in value fifty thousand dollars.

Stock.

SEC. 2. The stock of said corporation shall be divided into shares of ten dollars each, and shall be transferable in such manner as may be prescribed by the by-laws of the corporation.

Management.

Proviso.

SEC. 3. The business of the corporation shall be managed by a board of nine trustees, three of whom shall be elected annually by ballot, on the third Monday in August in each year, and shall hold their offices three years, and until others are elected and qualified; *Provided*, At the first election three shall be elected for a term of three years, and three for a term of two years, and three for a term of one year.

At meetings each share entitled to one vote.

SEC. 4. At all meetings each stockholder shall be entitled to one vote for each share of stock owned by him, and no person shall be permitted to vote, or be eligible to the office of trustee, who is not a stockholder in the corporation.

Trustees—their duties.

SEC. 5. It shall be the duty of the trustees first to elect from their number a president, secretary and treasurer, and all officers of the corporation; to call spe-

cial meetings of the stockholders, and to fill vacancies in the board of trustees, and for any other purpose they may deem necessary; to sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation in such manner as may be directed by the stockholders; also to erect and keep in repair all necessary buildings for the use of said corporation; to employ teachers and direct the course of study and discipline to be observed; also to regulate and determine the price of tuition to be charged in the academy; to prescribe the duties and fix the salaries of all officers of the corporation, and remove or suspend them from office for incapacity, immoral conduct, or misbehaviour in office, and to appoint others to fill their places; to make such rules and regulations as may be necessary to carry into effect the powers herein granted.

No religious test required.

SEC. 6. No religious test or qualification shall be required of any officer or trustee, teacher or student in this institution.

Acts declared valid.

SEC. 7. All acts of this association performed previous to the passage of this act of incorporation, and not inconsistent with the same, shall be and hereby are declared legal and valid.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 3, 1857.

Chapter 202.

An Act to incorporate the Wisconsin Lumber Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. George A. Mason, William C. Wells, William T. Graves, Frederick Briggs, Lyman H. Mason, Alonzo Wood, Franklin F. Sheldon, Sheldon Graves, and D. A. Monroe, together with all such other persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic, by the name and style of the Wisconsin Lumber Company, and by that name shall be capable

Style,

in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal, for the use and benefit of said corporation. Capable of.

SEC. 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company direct. Capital stock.

SEC. 3. Said corporation shall have power to manufacture or purchase lumber, shingles, lath, and the necessary machinery for the manufacture and use of the same, also the right to purchase, sell, and use any patent right to be used in or about the manufacture of any of the articles herein mentioned or referred to, as they may deem proper, and to sell and dispose of the same at pleasure, may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands which are now or may hereafter be owned by said company, may in their corporate capacity and name make and execute to any person or persons or body corporate or politic any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons or body corporate,—all of which said company is authorized to do, any law of this State to the contrary notwithstanding. Corporate powers.

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of nine directors, who shall be elected annually and shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the highest number of Management. Elections.

votes cast shall be directors; and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said corporation, a majority of whom shall constitute a quorum for the transaction of business.

Election of president.

SEC. 5. The said directors shall, after their election, elect one of their number president and one vice president. It shall be the duty of the president to preside at all meetings of the stockholders, and of the board, when present, and in case of his absence the vice president shall discharge the duties of president, and in case of the absence of president and vice president the directors may elect a president *pro tem.*

By-laws.

The directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper.

Meetings—where held and how called.

All meetings for the transaction of business for the corporation shall be held at their office, which shall be at such place as said directors may designate, and the manner and times of calling [meetings] shall be prescribed in the by-laws of said company.

Officers, payments on shares, &c.

The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers; they shall have power to decide the time, manner, and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the purchase and sale of property, personal or real, and the forfeiture of stock and shares as they may deem advisable.

Election of directors.

They shall have power to appoint a time certain in each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders of not less than thirty days before such election, by publishing the same in a newspaper published in the village of Stevens Point;

Proviso.

Provided, That if for any cause such election shall not be held at the time appointed, the same may be held at any other time, upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Opening books for subscription to capital stock, &c.

SEC. 6. Books for subscription to the capital stock of said company shall be opened at the office of George A. Mason, in the village of Stevens Point, on the third Monday of March, 1857, at two o'clock, P. M., under the inspection of any two of the persons named in the first section of this act, and may keep the same open from day to day until fifty thousand dollars of said stock shall be subscribed [and the said subscribers] shall then proceed to elect a board of directors as herein provided for, and such directors when so elected, shall at their first or some subsequent meeting determine the capital of said corporation, which shall in no case exceed two hundred and fifty thousand dollars, and if the said capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors, at a regular meeting thereof, to any amount not in the whole however exceeding the sum of two hundred and fifty thousand dollars.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 3, 1857.

Chapter 203.

An act to amend the City Charter of the City of Fond Du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Council may alter and discontinue any highway, &c.

SEC. 1 The city council shall, within the city limits, have full power and authority to lay out, alter, or discontinue any highway, street, lane, alley, or public walk therein, or to grade, pave or otherwise improve the same, as they shall deem necessary or advisable.

No street, &c. shall be laid out unless by petition, &c.

SEC. 2. No highway, street, lane, alley, or public walk, shall be laid out, or altered, unless a petition, signed by at least six resident freeholders of the city, shall be presented to the city council, asking therefor, describing the same with reasonable certainty, and if the same requires the taking of private property for public use, against the consent of the owners, not until

the necessity thereof shall be first established by the virdict of a jury.

Proceedings when petition is presented.

SEC. 3. On presenting such petition, if it shall appear that private property is required to be taken, against the consent of the owners, the city council shall cause a notice of such application to be published, for two weeks, in one or more newspapers of the city, stating that on a certain day, therein to be named, a jury will be summoned by the city marshal, to hear and decide upon such application, and the necessity of taking such property.

Prior to day named in notice mayor to summon a jury —duty of jury.

SEC. 4. On or before the day named in said notice, the mayor of the city, or in his absence, the acting mayor thereof, shall issue a venire directed to the marshal of said city, requiring him to summon a jury of twelve disinterested freeholders thereof, who have no interest in the property proposed to be taken, and are in no wise of kin to any person who has an interest therein, whose duty it shall be to view the property proposed to be taken, and hear such proofs as may be offered by any person interested in relation to the same; such witnesses may be sworn by the city marshal.

If jury cannot agree, new juries to be summoned—verdict of jury.

SEC. 5. If such jury shall agree, and if not, new venires may be issued, and new juries summoned until they do agree; they shall make out and deliver their verdict in writing, signed by them, to the city marshal, who shall deliver the same to the city clerk, to be filed and delivered by him to the city council at their first meeting thereafter.

If jury return a verdict favorable to taking property—duty of council.

SEC. 6. If the jury shall have returned a verdict that it is necessary to take private property for public use, as required by said petition, the city council may thereupon cause said highway, street, lane, alley or public walk to be laid out, or altered, if they shall deem it for the interest of the city; and thereupon, shall cause the same to be carefully surveyed and recorded, and an order to be entered among their proceedings, confirming said verdict.

Council to appoint commissioners—duty of same.

SEC. 7. The city council shall thereupon, by an order entered in their proceedings, appoint three disinterested persons, freeholders of the city, commissioners whose duty it shall be, to view and examine the proposed highway, street, lane, alley, public walk, or alteration thereof, and ascertain, and appraise the just value of the property of the individuals, necessary to

be taken therefor. They shall also ascertain and appraise the necessary cost, expenses and damages for laying out, opening or altering the same, and make report thereof, under oath, to the city council, within such time as may be limited by said order.

Duty of commissioners.

SEC. 8. The commissioners shall also view, ascertain, assess, determine, and report to the city council, what property, lots, and parcels of land, are or will be benefitted by the laying out, opening, or alteration of any such highway, street, lane, alley, or public walk, and assess, designate, and apportion and determine, the costs, expenses, and damages of laying out, taking, opening, or altering of the same, on the property, lots and parcels of land so benefitted, in just proportion, making out a list thereof, as they shall assess and apportion the same.

Same.

SEC. 9. The commissioners, in all cases where property, lots, or parts of lots shall be taken, shall assess the benefits thereof to the other parts of said property or lots, and make out a list thereof, and shall strike the balance between the damages and benefits so assessed, and make out a list of the same, and report the same to the city council.

Commissioners to enter upon their duties immediately after their appointment—to give notice of same, &c.

SEC. 10. The commissioners shall immediately after their appointment, and before proceeding to discharge their duties as aforesaid, give notice in one or more newspaper of the city, of at least one week of the time and place in which they will meet, to hear any proofs or allegations of any person interested therein, and at the time and place so mentioned, they shall meet for that purpose, and may adjourn from time to time, as they may regard reasonable, but not beyond the time limited in the order for making their report, and either of said commissioners shall have power to administer an oath to any witness offered.

Persons aggrieved may appeal.

SEC. 11. If any person shall deem himself aggrieved by such assessment or apportionment, he may at any time within ten days after the filing of the same, appeal therefrom, by notice in writing to the city council, and ask for a review and rehearing thereof, and the city council shall thereupon appoint a day and place for such review and rehearing, at which day and place, they shall proceed to hear and review the same, and shall hear such proofs and witnesses as may be offered, to be sworn by the mayor or acting mayor, and may

alter or modify said assessment or apportionment, as they shall deem just and right.

Council may confirm proceedings.

SEC. 12. If no appeal shall be taken, or if taken, whether modified or not, the city council may, if they deem it just, and for the interest of the city, enter an order in their proceedings, that the same be confirmed.

To pay for property before entering upon it.

SEC. 13. No such highway, street, lane, alley, public walk, or alteration thereof, shall be laid out, opened or made, until an order shall be entered, directed to the city treasurer, to pay the owners of property, which has been taken against their consent, the amount or balance so assessed or awarded in their favor.

Sums assessed to be a lien upon property

SEC. 14. All sums so assessed and confirmed, shall be a lien upon property so assessed and apportioned, and for the payment of which, such property, lots, or parcels of land shall be liable, and the same shall be collected with, and as other taxes are collected in the city.

Laying out highways, streets, &c., in other cases.

SEC. 15. In all other cases, the city council may lay out, alter or discontinue any highway, street, lane, alley, or public walk, wherever they may deem the same proper or advisable, by an order entered in their proceedings, specifying and describing the same; *Provided*,

Proviso.

The same is applied for by petition, as mentioned in the second section of this act, and two weeks notice of the same shall have been previously published in one or more newspaper of the city.

Words "public walk," how construed; "alter or alteration," how construed.

SEC. 16. The words public walk shall be construed to mean any public ground, or square, which may be regarded necessary, or desirable, for the health or convenience of the city; and the words alter, or alteration, to mean any widening, extending, or other change of any highway, street, lane, alley or public walk, which may be regarded useful, convenient, or necessary to make.

Power of council within city limits.

SEC. 17. The city council shall, within the city limits, have full power and authority over all harbors, basins, slips, wharfs, docks, piers and other places, for landing, fastening and mooring boats, vessels, scows, rafts, timber, lumber, merchandize, or any other materials or substances whatsoever, and also over all rivers, creeks, streams, and sloughs therein, with full power and authority to widen, deepen, dredge, or otherwise improve such harbors, basins, slips, wharfs, docks, piers and places for fastening and mooring boats, vessels, scows, rafts, timber and other substances and materials,

and also full power and authority to widen, deepen, dredge or otherwise improve such rivers, creeks, streams and sloughs, and make such other slips, basins, wharfs, docks piers and landing places for mooring, landing, securing and fastening boats, vessels, scows, rafts, timber, lumber and merchandize, as they shall deem necessary for the business interests of the city.

How power is to be exercised

SEC. 18. All such power and authority shall be exercised by the passage of ordinances therefor. And no such authority shall be exercised, except upon the application of six resident freeholders of the city expressing in said application, with reasonable certainty, the ordinance desired; and no such ordinance shall pass, or be of any effect, unless the same shall have been published, at least two weeks, in one or more newspapers of the city; nor unless a majority of all the aldermen elected shall vote therefor, which vote shall be by ayes and noes, and entered in the minutes of their proceedings.

When private property is taken against consent of owner.

SEC. 19. And if such application shall require that private property shall be taken for public use against the consent of the owner, no such ordinance shall be passed until the necessity thereof shall first be established by the verdict of a jury, in the same manner as in laying out or altering highways, streets, lanes, alleys or public walks.

If council pass ordinance, commissioners to be appointed.

SEC. 20. If the city council shall pass such ordinances, commissioners shall be appointed with the same power, and the like proceedings shall thereupon be had, with the same force and effect in all respects as in laying out or altering highways, streets, lanes or alleys or public walks.

Council have power to drain marshes within city limits.

SEC. 21. The city council shall, within the city limits, have full power and authority to drain or cause to be drained, and to direct and regulate the manner of draining all marsh and wet lands therein, in such way and manner as they shall deem necessary and advisable.

When authority is to be exercised.

SEC. 22. No such authority shall be exercised except upon the like application or petition, as in laying out or altering highways, streets, lanes, alleys or public walks, and if such application requires that private property shall be taken for public use against the consent of the owners, not until the necessity thereof shall be first established as therein required, and whenever

any ordinance for that purpose shall be passed, the same proceedings shall thereupon be had, with the same force and effect in all respects, as in laying out or altering highways, streets, lanes, alleys or public walks.

Section 2 of city charter amended.

SEC. 23. Section two of chapter two of the city charter, session laws of 1854, is hereby amended, by adding to the officers to be elected from the city at large, one police justice, and instead of two justices of the peace from each ward, the section is hereby amended so as to read "one justice of the peace from each ward;" the powers and duties of said police justice shall be prescribed by the city council by general ordinances.

Repealed.

SEC. 24. Chapter six of the city charter for the city of Fond du Lac, of the session laws of 1854, is hereby repealed.

SEC. 25. This act shall take effect immediately on its passage, and the publication thereof.

Approved March 3, 1857.

Chapter 204.

An Act to incorporate the United States Trust Company of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. From the time this act shall take effect, L. P. Harvey, Lucius G. Fisher, John Hackett, Matt. H. Carpenter, Edward L. Dimmock, John Mitchell, Thomas Lappan, David Noggle, Soloman Hictson, William M. Tallman, Joseph A. Sleeper, John J. R. Pease, M. C. Smith, James H. Knowlton, Milton Kelly, Arubat Ludlow, Asa Richardson, John A. Bingham, Hooker Spenslay, Sam'l H. Scaley, Geo. W. Lee, Charles Dunn, Hercules L. Dousman, Ira B. Bronson, Leonard J. Farwell, Simeon Mills, J. C. Fairchild, H. A. Tenney, N. W. Dean, James Morrison, Nelson Dewey, Asahel Finch, Jr., E. D. Holton, Anson Eldred, Edward McKey, John M. Keep, Thomas Tuttle, James Sutherland, R. H. Mills, B. E. Hale, George E. Dexter, C. S. Chase and such other persons as shall hereafter become stockholders in the company hereby incorporated, shall

be a body corporate and politic by the name of the "United States Trust Company of Wisconsin." Style.

SEC. 2. The corporation hereby created, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts of law and equity, and also to contract and be contracted with. Said corporation shall have power: 1st. To receive moneys in trust, and to accumulate the same at such rate of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed on, not exceeding in either case at the rate of twelve per cent. per annum; 2d. To accept and execute all such trusts of every description as may be committed to it by any person or persons whomsoever, body or bodies whatsoever, or as may be transferred to them by order of any court of record of this State. Powers of corporation. 1st. 2d.

SEC. 3. In all cases where an application shall be made at any court of this State having jurisdiction, for the appointment of any guardian to any infant, the annual income of whose estate shall equal or exceed the sum of one hundred dollars, the said court shall have power to appoint this company as guardian of the estate of such infant, and every court into which moneys may be paid by parties, or be brought by order or judgment, may by order direct the same to be deposited with the said company. In cases where application is made for the appointment of guardian, this company may be appointed such guardian.

SEC. 4. On any sum of money, not less than one hundred dollars, which shall be collected or received by said company in its capacity as guardian, receiver, or depository of moneys in court, an interest shall be allowed of not less than three per cent. annually by said company, which interest shall continue until the moneys so received shall be duly expended or distributed. Interest to be allowed on moneys received by company.

SEC. 5. When the annual income of an infant of whose estate the said company shall be guardian shall exceed the sum allowed, or which may be sufficient for the education and support of such infant, such surplus income shall be accumulated by the said company for the benefit of such infant, by adding interest upon the whole as a new principal, and the interest so to be allowed and added in such accumulation shall in no case be less than three per cent. per year. When interest exceeds sum allowed surplus—how disposed of.

SEC. 6. No bond or other collateral security shall be required from the said company when appointed guar- No bond or collateral security neces-

sary, but all investments at the sole risk of corporation.

dian, receiver or depository, but all investments of moneys received by the said company in either of such characters shall be at the sole risk of said corporation, and for all losses of such moneys the capital stock, property and effects of the said corporation shall be absolutely liable, and in case of the dissolution of said company by the legislature or otherwise, the debts due from the company as guardian, receiver or depository of moneys in court shall have a preference.

Capital stock.

SEC. 7. The capital stock of said company shall be two hundred thousand dollars, and the same shall be divided into shares of one hundred dollars each. The capital stock shall be invested in bonds secured by mortgages on unincumbered real estate within the State of Wisconsin, worth double the amount to and thereon, or in stocks of the United States or of this State, or in stock or bonds of the incorporated cities of this State, authorized to be issued by the legislature, and within two years after the said company commences business at least one half of the capital shall be invested, and thereafter remain constantly invested in bonds secured by mortgages as aforesaid.

To transfer to state treasurer bonds and mortgages as security for depositors and creditors of corporation.

SEC. 8. After the sum of one hundred thousand dollars shall have been paid in and invested, and before the said corporation shall commence business, the trustees shall assign and transfer to the State Treasurer bonds and mortgages on unincumbered real estate within the State of Wisconsin, worth double the amount secured thereby, or shall transfer and assign to the said treasurer public stocks of the United States or of the State of Wisconsin, or of some incorporated city of this State, as aforesaid, to the amount of fifty thousand dollars, which bonds and mortgages or stock shall be held by the said treasurer in trust as security for the depositors and creditors of said corporation and subject to the sale and disposal of the said treasurer, upon the order of some court of record having jurisdiction to make such order, as hereinafter provided. Upon the assignment of the said bonds and mortgages and stocks, the said treasurer shall issue to the said corporation a certificate of such fact, upon the receipt of which the said corporation may commence business, and an equal amount in value in proportion to the amount of capital or money paid in on subscriptions of the capital stock of the said corporation, to be determined by the said

treasurer, of such stock and bonds and mortgages shall at all times and from year to year during the existence of said corporation remain in the possession of the said treasurer, until otherwise ordered by some court of record of this State having jurisdiction to make such order; the said treasurer shall pay over to the said company the interest which shall be received on the securities assigned or transferred to him by the said company, or he may authorize the said company to collect the same for its own benefit.

Board of trustees—their powers.

SEC. 9. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they shall appoint. The board of trustees shall consist of thirty persons, all of whom must be citizens of this State, and stockholders to the amount of at least two thousand dollars each; and the first board of trustees shall consist of the first thirty persons, whose names are mentioned in this act, who shall possess the necessary qualifications as above declared. They shall elect a president annually from their own body, and shall have power to declare by a by-law what number of trustees shall be a quorum for the transactions of business.

Classification of trustees.

SEC. 10. The board of trustees shall divide itself by lot, into three classes of ten each; the term of office of the first class shall expire at the end of one year; that of the second class at the end of two years; and that of the third class at the end of three years; and at the expiration of the first year and annually thereafter, ten trustees shall be chosen, who shall hold their office for three years, or until their successors are elected. Trustees shall be re-eligible and vacancies occuring in the intervals of elections, shall be filled by the board.

Election of trustees and notice of same

SEC. 11. The election for trustees shall be held annually at the office of the company, and the board shall give at least ten days notice thereof, in at least one daily newspaper published in each of the cities of Janesville, Madison and Milwaukee, in this State. In the case of a failure to elect on that day, the trustees whose regular terms do not expire, shall proceed to elect ten trustees, (or such number as may have failed of election), who shall with them constitute the board. Before any member shall enter upon the duties of trustee, his election shall be approved by a justice of the supreme court, or by a circuit judge; and in case of

disapproval by such justice or judge, the board of trustees shall fill the vacancy occasioned thereby, subject to approval as before.

Election by ballot.

SEC. 12. Every election of trustees shall be by "ballot" and a plurality of votes shall elect; three inspectors for the next succeeding election shall be elected in the same manner and at the same time.

Each share entitled to one vote.

SEC. 13. Every shareholder shall be entitled to one vote for trustees for every share of capital stock in his name on the books of the company.

Committee to open books.

SEC. 14. Within six months after this act shall be in force, the corporators named in the first section of this act, shall appoint a committee, of not less than three nor more than five of their own number, whose duty it shall be to open books for subscription to the capital stock and who shall give at least ten days notice in at least one daily newspaper printed in each of the cities of Janesville, Madison, and Milwaukee, of the time and place at which books will be opened.

Payment in shares at time of subscribing, &c.

SEC. 15. Every subscriber at the time of subscription shall pay to the committee receiving the same, the sum of two dollars on each share by him subscribed, and after the shares shall have been distributed and alotted, each stockholder shall pay the whole amount then remaining due on the shares so held by him, within twelve months thereafter, at such place and at such time or times as the trustees shall appoint, of which at least ten days public notice shall be given in the same manner as is provided in the next preceding section; the shares of each stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon.

Certificates of stock, &c., assignable.

SEC. 16. The certificate of stock, and of moneys received in trust, issued by the said corporation, shall be assignable on the books of the company, according to such regulations as the board of trustees shall establish, but no alteration or change shall be made in the regulations so established, unless by an order of some court of record made on a petition of a majority of the trustees

Discretionary powers of trustees.

SEC. 17. The trustees shall have a discretionary power of investing the moneys received by them in trust in public stocks of the United States, or of any individual State, or in such real or personal securities, as they may deem proper, but the said company shall not hold stock

in any private incorporated company, beyond ten thousand dollars.

Limit of loans and deposits.

SEC. 18. The amount of money which the said corporation shall have in trust, in deposit or on loan, at any time, shall not exceed five millions of dollars, and the amount of its outstanding loans, shall not at any time exceed six million of dollars, but the said company may at any time, receive in deposit and loan out any money which may be deposited with them, by any of the courts of record of this State, notwithstanding the limitation contained in this act.

Annual statement of affairs to be made to the governor, &c.

SEC. 19. The board of trustees shall exhibit annually to the governor of this State, on such day as the said governor shall appoint, a full statement of their affairs, in such form and verified in such manner, as some circuit court in this State shall direct; such circuit court may, should it be deemed proper, refer such statement to a referee, with directions to make a full and thorough investigation into the affairs and management of the company, and to report his opinion in relation to the ability and integrity, with which its affairs are conducted, the prudence and safety of its investments, the security to those by whom its engagements are held, and the advantage derived by the public from its operations. The expense of every investigation so made, shall be defrayed by the company, in such sum as the said circuit court shall certify to be reasonable and just.

Circuit court may appoint a referee.

Referee's report.

SEC. 20. Upon the coming in of a referees' report upon any such annual statement, such circuit court may recommend to the trustees such alterations and amendments in the regulations and by-laws of said company, which hereby it is authorized to make or establish, as shall by the said court be deemed to be required for the public good and a just regard to the security of the creditors. If any recommendation so made by said court, shall be neglected, or without just cause disregarded by the trustees, the court shall make a full communication of the facts to the legislature, at the first session thereafter.

To be transmitted to the state treasurer

SEC. 21. A copy of every statement so made, and every report of a referee thereon, shall be without delay transmitted to the State treasurer by the president of the company, and in any event, shall be so transmitted within thirty days after the same shall have been made or received by said company.

Misconduct or fraud of officers—how punished

SEC. 22. Whenever it shall be made to appear to the satisfaction of any circuit court of this State, that any officer, trustee or agent, or servant of said corporation, has been guilty of any fraud or misconduct, the said court may, upon proper notice to such person, and affording him an opportunity of being heard in defence, remove such person or persons, and make such further order, and to take such further measures for securing the funds and property of what kind soever of the said company, as the said court shall deem expedient, and make such further order as the condition and circumstances of the said corporation shall require, by the appointing a receiver of said corporation, or otherwise causing the same to go into liquidation, and by ordering the said stocks and bonds and mortgages assigned and deposited with the State treasurer, to be sold, collected or enforced, for the benefit of the depositors or creditors of said corporation. From any such order or direction of a circuit court, as aforesaid, an appeal may be taken and prosecuted in the supreme court of this State, upon the same terms, within the same time and in like manner, as by law provided, as to appeal in chancery cases.

May appoint a receiver.

Appeal from order of court.

Stockholders individually responsible in case of default.

SEC. 23. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually responsible, equably and rateably, for the amount of such debt or liability, with interest, to the extent of their respective shares of stock in said corporation.

Losses of money—trustees responsible.

SEC. 24. For all losses of money which the capital stock shall not be sufficient to satisfy, the trustees shall be responsible in the same manner and to the same extent that trustees are now responsible in law or equity.

Books open for inspection.

SEC. 25. The books of the said corporation shall at all times during their hours of business be open for inspection and examination by the State treasurer and governor, and such other persons as the legislature may designate as agents therefor.

Act—how construed.

SEC. 26. This act shall not be construed to confer on said company any right or power to make any contract, or to accept or execute any trust whatever, which it would not be lawful for an individual under the general laws, or rules of law, which are or shall be in force, to make, accept or execute.

SEC. 27. The trustees shall have the power at any time to increase the capital stock of this corporation to a sum not exceeding in the whole two millions of dollars. May increase capital stock.

SEC. 28. This act is hereby declared a public act, and when printed by the state printer, shall take effect and be in full force. Public act.

Approved March 4, 1857.

Chapter 205.

An Act to provide for the assessment of taxes in the counties of Portage and Marathon, and to repeal an act entitled "An Act to change the time of making assessment and collection of taxes in the counties of Marathon and Portage."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter nineteen of the private and local acts of 1853, being an act entitled "an act to change the time of making assessments and collection of taxes in the counties of Marathon and Portage," is hereby repealed. Repealed.

SEC. 2. The time for making the assessments upon property in the counties of Marathon and Portage is hereby changed from the time now fixed by law, to the month of February in each year. Time of making assessments changed

SEC. 3. The assessors shall complete the assessment rolls of their respective towns, on or before the first Monday in March in every year; on which day at nine o'clock in the forenoon, each assessor shall appear at the place where the last town meeting was held in his town, for the purpose of reviewing his assessment, and may continue such review from day to day as long as may be necessary for that purpose; and on the request of any person conceiving himself aggrieved, if such person shall not previously have made affidavit concerning the value of the property assessed to him, pursuant to chapter 15, of the revised statutes of this State, the assessor shall, on affidavit made as provided in said chapter, reduce the assessment of such person to the sum specified in such affidavit. Assessment rolls—when to be completed, &c.

In case the assessor cannot attend on the appointed day he may appoint another.

SEC. 4. If from any cause any assessor cannot attend at the time and place appointed as above, he may review the same on any other day prior to the second Monday in March in the same year, upon first giving at least three days notice thereof, by posting up notices in three of the most public places in his town, giving notice of the time and place of such review.

Assessor's duty when completed.

SEC. 5. When the assessor shall have reviewed and completed his assessment roll, he shall comply with the provisions of section 33, chapter 15, of the revised statutes.

Relative to collection of taxes.

SEC. 6. All of the provisions of chapter 15 of the revised statutes of this State, shall apply to collection and return of taxes, and the sale of lands for unpaid taxes and the redemption thereof, in said counties of Portage and Marathon; except when the provisions of said chapter conflict with this act.

Approved March 4, 1857.

Chapter 206.

An Act to incorporate the Northern Wisconsin Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to receive subscriptions.

SECTION 1. That Hicks Worden, Joseph Hess, Hiram Eaton, Reuben H. Bangs, Hiram Moultrie, Eli J. Bangs, Q. H. Barron, George Hyer, E. B. Quiner, A. G. Ellis, C. H. Helms, and Geo. A. Mason, shall be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Northern Wisconsin Railroad Company, hereby incorporated; and they

Opening of books.

may cause books to be opened at such times and places on the proposed route of said road, as they may direct, for the purpose of receiving subscriptions to the capital stock of said company; after giving such notice of the times and places of opening said books, they may continue them open from time to time, as they may deem expedient, and if any of said commissioners shall die, resign, refuse or neglect to act, another may be ap-

pointed in his stead by the remaining commissioner or commissioners.

Capital stock, &c.

SEC. 2. The capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each, and as soon as two hundred shares of stock shall be subscribed, and five dollars of each share actually paid in, the subscribers of such stocks, their successors and assigns shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the Northern Wisconsin Railroad Company, with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation. They shall be capable in law, of purchasing, holding, selling, leasing, and conveyed estate, real, personal and mixed, so far as the same may be necessary, for the purposes hereinafter mentioned, and in their corporate name, may sue and be sued, plead and be impleaded, may have a common seal, and may alter the same at pleasure, and generally may do all and singular, the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation.

Style.

Capable of

Election of directors.

SEC. 3. The said commissioners or a majority of them, after the said two hundred shares of said stock shall have been subscribed, as aforesaid, shall give at least thirty days notice of the time and place, by them appointed, for the subscribers or stockholders to meet for the purpose of electing nine directors, and annually thereafter the said stockholders shall meet on the first Wednesday of June, for the purpose of electing directors aforesaid, upon alike previous notice, to be given as aforesaid; *Provided*, That previous to the first election, the commissioners hereinafter named, shall elect one of their number president, and they shall perform all the duties, and be invested with all the powers of directors; *And, provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year, shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election; *And, provided, also*, That in case of a vacancy from the death, removal or resignation of any director, his place may be filled by a majority of the board of directors.

Proviso.

Proviso.

Proviso.

Management.

SEC. 4. The affairs of said corporation shall be managed by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed by the stockholders of said company, the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors are elected. They shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the well ordering of the affairs of said company.

None but stockholders shall be elected directors.

SEC. 5. None but stockholders shall be elected directors, and at every election, and in all cases where stockholders shall be (entitled) to vote, each share of stock shall be entitled to one vote; and in all cases of elections of directors, the thirteen stockholders having the highest number of votes, shall be declared duly elected.

Meeting of directors.

SEC. 6. The said directors shall meet at such times and places, and be convened in such a manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president *pro tem.* The said directors shall appoint a treasurer, a secretary, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts. They shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required, at a reasonable period, not less than sixty days, after the time by them appointed for the payment thereof. They shall have full power to regulate tolls, to make such contracts, covenants and agreements with any person, copartnership or body politic whatsoever, as the construction and management of the works, and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company

Officers.

Powers of directors.

Proviso.

Provided, That no installment called in at any one time shall exceed ten dollars per share, and that no install

ment shall be called for by the directors without at least thirty days notice thereof in a public newspaper printed in either of the counties through which the said road may pass.

Certificate to stockholders of shares.

SEC. 7. The directors chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due thereon, which stock shall be transferred in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Annual statement of directors.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceeding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or the stockholders holding one-fourth of the stock, on like notice as required for annual meetings, specifying moreover the object of such meetings; but no business shall be transacted at such special meetings, unless a majority of the stockholders shall attend in person or by proxy.

Location and route.

SEC. 9. The said company shall have power to locate and construct a single and double track railroad, commencing at such point near the mouth of the Menomonee river, in the county of Oconto, as the directors of said company may select, and running on the most practicable route to Stevens' Point, in Portage county, and shall have power to transport take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them, and they shall also have power to make, construct, and erect all such side tracks, turn-outs, and connecting tracks, and all such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of said

Transportation, &c.

May connect and consolidate with any other road.

company shall intersect, and shall have full power t
place the road of this company, and its capital stock s
consolidated, under the direction of a joint board o
directors, to be chosen on such terms as the directors o
the companies consolidating their capital stock shal
agree upon.

When privileges become void.

SEC. 10. If said corporation shall not within three
years commence, or within fifteen years from the passag
of this act complete, the construction of said railroad
then the rights, privileges, and powers of said corpora
tion under this act, shall be void.

May enter on any land for certain purposes.

SEC. 11. It shall be lawful for said company, thei
officers, engineers and agents to enter upon any land
for the purpose of exploring, surveying and locatin
the route of said road, doing thereto no unnecessar
damage; and and when the said route shall be deter
mined by said company, it shall be lawful for them
their agents, officers, engineers, contractors and servant
at any time to enter upon, take possession of and us
such lands, not exceeding one hundred and thirty fe
in width along the said route, subject however, to th
payment of such compensation the company ma
have agreed to pay therefor, or such as shall be as
certained in the manner hereinafter directed and pro
vided in such cases respectively, and said company a
further authorized by their officers, engineers, agent
and servants, to enter upon lands adjacent to the roa
beyond the limits of one hundred and thirty feet, i
the manner provided in this act, when necessary fo
the purpose of erecting depot buildings, station house
and necessary fixtures for the operation and for th
business of said road, and for the purpose of maki
drains and giving a proper direction to water cour
across or along said road, when the same are necess
beyond the limits of said road, and to remove all s
stances and things which might endanger, obstruct
interfere with the free use of said road, and to dep
earth, gravel and stone, taken from cuts, and to obt
earth, gravel, stone and other materials for embankme
and structures necessary to the construction and rep
of said road, doing however, no unnecessary dam
and all lands so acquired and all damages which s
be done to any lands or property under the provis
of this section, shall be ascertained, and paid for in
manner, and agreeably to the provisions herein

Company must compensate for same.

provided; and when such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments, shall vest in said company for the purposes aforesaid.

When company and owners of land cannot agree as to compensation commissioners to be appointed to appraise the land.

SEC. 12. When said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid therefor, or when, by reason of the legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawfull for any judge of the supreme court of this State, on application of said company, and at the cost and charge of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, to view and examiue the lands so taken, with the buildings and improvements thereon, and to estimate the value of the land so taken or required by said company, and all damages which the owner or owners thereof may, [or] shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of such road, or works appertaining thereto; and it shall be the duty of said company to give three weeks' notice of their application to the judge of the supreme court, for the appointment of said commissioners, to be published for three successive weeks in a newspaper, if there shall be any published in the counties through which said road may be located, and the affidavit of the publisher or printer, shall be legal evidence of such publication; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owner thereof, shall have sustained or may sustain, by reason of the taking thereof by said company, whereupon such commissioners shall proceed to examine the premises, and estimate the value of said land, and the amount of damages, if any, which may accrue to such owner or owners, as aforesaid, and shall make a report in writing, of such valuation, under their hands and seals, to the circuit court of the county where the land lies,

Commissioners to make oath to faithfully perform their duty.

Commissioners report.

and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside; and it shall be the duty of said clerk of court, to file the same; and in case no appeal shall be made within thirty days after the filing of the said report, as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court be entered thereon, on motion of either party, at any term of said court; *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empanneled to try the same, shall find the value of the land so required by said company, and the damages which the owner or owners thereof shall have sustained, or may sustain, by the taking of the same, to such owner or owners, for the construction of such railroad, and judgment of court shall be entered accordingly; *Provided also*, That it shall not be lawful for the said commissioners or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the State, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct; *Provided also*, That upon making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation, or appraisal specified therein, to the owner or owners of any such lands, his, her or their legal representatives, the said company, their agents or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Proviso.

Proviso.

Proviso.

When judgment is entered the company shall be

SEC. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands or for any damages for the taking and using of

the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same; *Provided*, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court, and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for the same or less sum than that reported by the said commissioners. entitled to the land on payment of same, &c. Proviso.

SEC. 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of the said company to make or cause to be made a sufficient causeway or road to pass over or under such railroad without inconvenience; *Provided*, That in cases where said railroad may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road after altering and putting the same into as good condition as before, and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to said road, and in every respect complete such newly constructed road, or part of a road, so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company. Road to be constructed so as not to impede passage of any public road. Proviso.

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad whenever the same may be necessary, to enable the occupants of said land to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require; *Provided*, That said company shall in no case be required to make Company, when required, shall make a passage over or under road, &c. Proviso.

more than one such passage way for each farm; and when any public road shall cross said railroad on any farm, the person owning or possessing such farm shall not be entitled to require said company to make additional causeway.

Public act, and how to be construed.

SEC. 16. This act shall be construed favorably to affect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the State of Wisconsin, shall be received as evidence thereof.

Punishment for placing obstructions in track, &c.

SEC. 17. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the State prison for a term of not less than one, nor more than five years, at the discretion of the court, and in case any damage shall result from the placing such obstruction, or injury to said road, [said] (shall) party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the laws in such cases made and provided.

May borrow money and execute notes, bonds, &c.

SEC. 18. The said railroad company are hereby authorized and fully empowered in their corporate name and capacity, to borrow any sum or sums of money from any persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money shall be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds or other papers, and make, execute and deliver such security in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this State, or any other state where such transaction may be made, to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes

necessary to carrying out the object of said company, namely, the construction of a railroad from the Menomonee river, in Oconto county, westerly, to Stevens Point, in Portage county; and the contracts and official acts of said company are hereby declared binding in law and equity upon said corporation, and all other parties to said contracts. Route. Contracts declared binding

SEC. 19. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel, stone or other materials for the construction and repair of said road or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same. Act—when in force, may purchase lands &c.

SEC. 20. In case there shall be incumbrance upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed, as hereinbefore provided, with the clerk of the circuit court of the county, where the land lies, to be paid over by the said clerk to the said owner of the said land, or his lawfully authorized agent, upon the removal of the said incumbrances. Proceedings in case of incumbrance on land

SEC. 21. The corporation hereby created, shall have power to enter upon and use any railroad with which this road may intersect, for all purposes for which such roads are ordinarily used, upon such terms as the several corporations, owning such roads can agree; and if they cannot agree, then upon such terms as shall be fixed upon by three commissioners, to be appointed by the supreme court, upon the application of either party and upon such notice and in such manner as said court shall direct. The railroad hereby authorized to be built shall be subject to be entered upon and used by all other roads under the provisions and liabilities of this section. May use any road with which it intersects, &c.

SEC. 22. The government of the United States shall have the right to require the corporation hereby created to transport over said road, all mails, at such rate as may be agreed upon by said government and said corporation, and in case of disagreement, the terms of said transportation shall be fixed in the same manner as is provided in section 21 for the disagreement therein specified. Transportation of U. S. mail.

State lands granted to roads in certain cases.

SEC. 23. In case said railroad company shall locate the land of said railroad on any lands belonging to the State, the said lands to the extent of one hundred feet in width along the line of said road, are hereby granted to said company, so long as said company use and occupy the same for said road.

Shall erect proper fences through enclosed ground.

SEC. 24. The said company before opening the line of their road through enclosed land, shall erect such fence as shall be necessary to preserve such enclosure entire and shall before commencing using said road as a public highway, erect a good legal fence upon both sides thereof, and put in proper cattle guards at all crossing of roads and ways, and permanently maintain the same.

Approved March 4, 1857.

Chapter 207.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out road.

SECTION 1. Edwin B. Quiner, Richard Hall and John Jacobs of Oconto County, and J. K. Cameron, F. P. Catlin and George Strong, of Hudson, St Croix County, are hereby appointed commissioners to lay out and establish a State road from the city of Hudson, in St. Croix county, by the way of Chippewa Falls and Wausau, to the Menomonee River, near the 3d correction line between towns 30 and 31, Range 23 and 24 east, upon the most practicable and direct route.

Route.

Compensation.

SEC. 2. The said commissioners shall be entitled to receive for locating and surveying said road, such compensation for their services from the counties through which said road passes, as the board of supervisors of said counties shall deem just and reasonable, provided no part of the expenses of laying out said road, shall be paid out of the State treasury, and that no compensation shall be allowed for laying out the said road over any route which has previously been laid, nor until they have fully complied with chapter 44 of the general laws of the year 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 208.

An Act to provide for laying out a State Road from Trempealeau to Eau Claire.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samuel D. Hastings, Daniel Trowbridge, and A. M. Brandenbury, be and are hereby appointed commissioners to lay out and establish a State road from Trempealeau, in Trempealeau county, to Eau Claire, in Eau Claire county. [Commissioners and route.]

SEC. 2. Upon the performance of the work, the said commissioners shall be allowed such compensation for the same, as the board of supervisors of the counties through which said road shall pass, shall deem just and proper; *Provided*, That no compensation shall be allowed for laying said road over any portion of the route where a road has been previously laid; *And, provided, further*, That no compensation shall be allowed unless the commissioners shall have fully complied with the provisions of chapter 44 of the general statutes of the year 1853. Compensation. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 209.

An Act to provide for laying out and establishing a State road from Trempealeau to New Lisbon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ambrose Spencer, W. W. Benton, and George Batchelder, are hereby appointed commission- Commissioners and route.

ers to lay out and establish a State road from the village of Trempealeau, in Trempealeau county, to New Lisbon, in Juneau county.

Compensation

SEC. 2. The said commissioners shall be entitled to such compensation for their services, as the board of supervisors of the several counties through which said road shall pass, shall deem just and proper; *provided*, That no compensation shall be allowed for laying said road over any portion of said route, where a road has been previously laid; *And, provided, further*, That no compensation shall be allowed, unless the provisions of chapter No. 44 of the general statutes of the year 1853, shall have been fully complied with by said commissioner.

Provisos.

SEC. 3. This act shall take effect and be in force, from and after its passage.

Approved March 4, 1857.

Chapter 210.

An Act to provide for the laying out of a certain State Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route.

SECTION 1. That Samuel Marshall, Frederick Schuefel and Charles Beekman, are hereby appointed commissioners to survey and lay out a certain State road, commencing at Toland's Prairie, Washington county, thence running through the town of Erin, Washington county, and the towns of Asshippun, Lebanon and Emmet, to the city of Watertown.

Compensation

SEC. 2. Said commissioners shall receive such compensation for their services as the board of supervisors of the counties of Washington and Jefferson may see fit to allow them; *Provided*, That no compensation be allowed for laying said road over any part of the route where a road has been previously laid; *And, Provided, further*, That no compensation be allowed, unless the commissioners shall have fully complied with the provisions of chapter 44, of the general statutes of 1853.

Provisos.

SEC. 3. This act shall be in force from and after its passage.

Approved March 4, 1857.

Chapter 211.

"An Act to alter a part of the State Road from Mineral Point to Elk Grove."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

State road altered.

Route.

SECTION 1. That the State road, leading from Mineral Point, in Iowa County, to Elk Grove, in La Fayette county, be changed as follows, to-wit: Beginning on said road, at the line, between Ben. White and Benedict, on section twenty-two, in township three, north, range one, east, of the fourth principal meridian, thence running east one hundred and sixty rods, to the east line of said White's land, and on a line one hundred rods from the north line of his said land; thence from said east line, north easterly, through section twenty-three, which adjoins said section twenty-two, about sixty rods to the south line of section fourteen, in said town and range, thence on a course east of north, one hundred and sixty rods, or there about, until it intersected said Mineral Point and Elk Grove road, (by some called the Mineral Point and Galena road.)

Part vacated.

SEC. 2. That the part of the old roads thus altered, is hereby vacated, and the line of road defined in the alteration made by the first section of this act, is hereby established as a part of said Mineral Point and Elk Grove road, and the same shall be kept open, and in repair, as other public highways in the State.

State not liable for expense.

SEC. 3. That the State shall in no event be liable for any expense which may be incurred in making the alteration provided in this act.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 212.

An Act to vacate part of Walworth street in Devendorf, Mallory and Spencer's addition to the Village of Elkhorn.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Part of street vacated.

SECTION 1. That all that portion of the public street in Devendorf, Mallory and Spencer's addition to the village of Elkhorn, in the county of Walworth, as laid out and platted on parts of the east half of the south half of the southwest quarter of section number thirty-six, in township number three, north, and the east half of the northwest quarter of section number one, in township number two, north, in range number sixteen east, known and designated on the plot of said addition, as Walworth street, and so much of the same lying on the south side thereof, as is contained in a strip of land one rod in width, and commencing on the east line of Spencer street, and running east to the line of said addition, as designated and laid down on said plot, be and the same is hereby vacated and annulled, and shall no longer be or constitute any part of said street; and the ground over which said south side portion of one rod in width of said street, is laid out, shall vest in fee in the proprietor or proprietors of the lot or lots adjoining said south side of said street, according to the number and size of the respective lots.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 213.

An Act to authorize the construction of a Canal from the Menomonee river, in the Fifth Ward, to the canal or basin in the Fourth Ward of the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to construct a canal.

SECTION 1. The owners and proprietors of lot one, in the north-west quarter of section thirty-two, in the fifth ward, and of lot one, in the east half of the south-west quarter of section twenty-nine, in the fourth ward of the city of Milwaukee, are hereby authorized and empowered to construct a canal not exceeding one hundred and fifty feet in width, running due north and south from the Menomonee river through the said lots to the basin or canal in the fourth ward of said city.

City shall protect the same, &c.

SEC. 2. When said canal is constructed, the common council of said city shall have the same power and authority over the same, for the purposes of improving, protecting and preserving the navigation of said canal as a public highway, as they now have by their city charter, or any act of the legislature, over the navigation of the Milwaukee or Menomonee rivers.

Expense—how paid.

SEC. 3. All expense incurred for the laying out and constructing of said canal, shall be chargeable exclusively to the adjoining lots or parcels of land, and the city shall not be liable to pay any of the expense incurred in the laying out or constructing said canal.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 214.

An Act to amend Chapter 105, of the Private and Local Laws of 1856, relating to a certain State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section one of an act entitled an act to lay out a State road from Fountain City, in Buffalo County, to Beef river station in Trempealeau County, approved March 1st, 1856, is hereby amended, as follows: strike out the names in said section one, and insert the following: John P. Palmer, A. Furhlenburg and George S. McCormick.

Amendment. SEC. 2. Section two of said act is hereby amended by adding the following: *Provided*, That no compensation shall be paid for laying said road over any portion of the route where a road has been previously laid, nor shall any compensation be allowed unless the commissioners shall fully comply with the provisions of chapter 44, of the general laws of the year 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 215.

An Act to incorporate the Lake Side Retreat.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. John Lockwood, J. H. Dawes, Leonard J. Farwell, H. K. Lawrence and C. W. Cook, and such other persons as may become associated with them as stockholders, their successors and assigns, are hereby

Style. created a body politic and corporate, by the name of "The Lake Side Retreat," with perpetual succession, and by that name shall have all the privileges, fran-

chises and immunities incident to a corporation; and shall be capable in law, of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places; of purchasing, holding, using, leasing and conveying estate, real, personal and mixed, so far as the same may be necessary and proper, for the erection, construction, management and usefulness of the institution and business which the said corporation is or may be authorized to establish, maintain and transact, and for the convenience and good government thereof. The said corporation may have a corporate seal and may alter and change the same at pleasure. Privileges, &c. of corporation.

SEC. 2. The capital stock of the said corporation shall be fifty thousand dollars, in shares of fifty dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the corporation shall direct. Capital stock.

SEC. 3. The corporation hereby created, shall have full power and authority to purchase or lease grounds and buildings, and establish and maintain thereon, in or near the city of Madison, in the county of Dane, an institution for the reception of boarders and patients, to be treated hydropathically and otherwise, and to erect, use and enjoy all buildings and fixtures necessary and proper for the complete and convenient fitting up, furnishing and maintaining such institution, and the same again to lease, sell or convey, at the discretion of the directors of the said corporation. Corporate powers.

SEC. 4. The property and concerns of the said corporation shall be managed and conducted by a board of five directors. John Lockwood, Leonard J. Farwell, J. H. Dawes, H. K. Lawrence and C. W. Cook, shall be the first directors of the said corporation, and shall hold their offices until others shall be chosen. The first election of directors shall be held on the first Monday of May, A. D. 1858, and annually thereafter, at such time and place as shall be prescribed in the by-laws of said corporation. The directors of said corporation shall have power to appoint such officers and agents as they may deem necessary, to prescribe their duties, and may, from time to time, adopt by-laws and regulations restricting the management of the property, concerns, business and stock of the said corporation, as they may deem expedient and proper. They shall also have Management and first directors. Election of directors. Directors—their powers and duty.

power to prescribe the time and manner of opening and closing the books of subscription to the capital stock, the manner of making such subscription, and the time, manner and proportions in which the subscribers to such stock shall pay in the money (or other equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of such stock and shares, as they may deem advisable.

May borrow money, &c.

SEC. 5. The said corporation is hereby authorized and empowered in its corporate capacity and name, to borrow any sum of money from any person or persons or corporation, and make and execute in their corporate name, all necessary writings, bonds, notes or other papers, and make and execute such papers and securities in amount and kind, as may be deemed expedient by the said corporation, for all purposes, in carrying out the objects of said corporation.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 216.

An Act to provide for the removal of the County seat of Buffalo County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To vote on removal of county seat.

SECTION 1. That at the annual town meeting to be held in the several towns in the county of Buffalo, on the first Tuesday of April, A. D. 1857, the legal voters of the county of Buffalo, shall be and are hereby authorized to vote for the removal of the county seat of said county, to Fountain City, to be located on part of section sixteen, seventeen, eight and nine of township number nineteen, north of range number eleven, west; and if a majority of all the votes cast on that subject at such town meeting, be in favor of such removal of said county seat to said Fountain City, then the said Fountain City shall be the permanent county seat of said county.

Ticket—what words to contain

SEC. 2. The votes cast on the subject of the removal of said county seat as above provided, shall have written or printed on them, or partly printed and partly written the words, "For removal to Fountain City," or the words, "Against removal to Fountain City," and shall be deposited in a separate box, to be prepared by the supervisors of the several towns in said county.

Laws relative to elections to apply.

SEC. 3. All laws now in force, relative to elections or town meetings, shall apply and extend to the subject matters of this act, except so far as special provision is made herein, or so far as such laws may be repugnant to the provisions of this act.

Canvass and return of votes

SEC. 4. The votes cast on the subject of the removal of said county seat as above provided, shall be canvassed and returned in the same manner as votes cast for county officers, and a statement of the result of the canvass of said votes, setting forth in words at full length the whole number of votes given "for removal to Fountain City," and the whole number "Against removal to Fountain City," shall be prepared by the county canvassing officer, a copy of which, duly certified to, shall be deposited in the office of the clerk of the circuit court, in the office of the register of deeds, and in the office of the clerk of the board of supervisors, of said county, respectively, and shall have the force and effect of a record, for the purposes of evidence.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 217.

An Act to authorize the Town of Prairie du Chien to aid in the construction of a Bridge across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors authorized to subscribe to capital stock of Bridge Co.

SECTION 1. The board of supervisors of the town of Prairie du Chien, are hereby authorized to subscribe for the town of Prairie du Chien, the sum of ten thousand dollars to the capital stock of the "Prairie du

Chien Bridge Company," and to pay for the same in the bonds of said town, payable in ten years, with interest, payable semi-annually, within or without the boundaries of this State, at ten per cent.

Stock taken by town irrevocably pledged, &c.

SEC. 2. The shares of stock in said "Prairie du Chien Bridge Company," thus taken by said town, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the principal and interest of said bonds; *Provided, however*, That the board of supervisors of said town may sell such shares, but the proceeds thereof and interest, shall still be pledged to pay the interest and principal of said bonds.

Proviso.

Tax to pay interest.

SEC. 3. The board of supervisors of the town of Prairie du Chien, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said town, sufficient to pay the interest upon such bonds, after deducting the dividends due to such town, on said shares of stock.

Appointment of Bridge commissioner, his duty.

SEC. 4. The board of supervisors of said town, shall annually appoint a bridge commissioner, who shall attend the annual or special meetings of the stockholders of said bridge company, for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said town shall hold in said bridge company, and in case of his absence or inability to attend, to appoint in writing, under their hands, some other person, who shall have the same power.

Vote on issue of aforesaid bonds.

SEC. 5. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held in the village of Prairie du Chien. At such election, those voting in favor, shall vote a ballot with the words inscribed thereon, "For the Bridge," and those voting against, shall vote a ballot with the words inscribed thereon, "Against the Bridge." Two weeks previous notice of said election shall be given in a public newspaper, printed in the county of Crawford, and this act shall be published therewith. Said election shall be conducted, and the returns thereof made and canvassed in the same manner as the annual town meetings of said town.

SEC. 6. This act shall take effect immediately.

Approved March 4, 1857.

Chapter 218.

An Act relating to the Welsh Calvinistic Society of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to issue bonds to raise money.

SECTION 1. The trustees of the Welsh Calvinistic Methodist Society of Racine, are hereby authorized to issue the bonds of said society for the sum of eight hundred dollars, payable at such time and with such interest, not exceeding the rate of ten per cent. per annum, as they may deem proper, and to secure the same by the mortgage of said society upon the lot owned by them, and the brick church erected thereon, in Racine.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 219.

An Act to vacate a part of a certain Street.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Part of street vacated.

SECTION 1. So much of (certain) [Centre] street as lies between blocks twenty-nine and thirty, in that part of the town of Mineral Point, Iowa county, Wisconsin, which is laid out on the south-west quarter of section thirty-one, in town five, range three east, is hereby vacated and annulled.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 220.

An Act to incorporate the Trempealeau Lumber Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. Style. Business and capability.

SECTION 1. That William H. Dake, John King, jun., James M. Barrett, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the "Trempealeau Lumber Manufacturing Company," for transacting the usual business of companies for manufacturing lumber and other milling business, and for the purchase and sale of lumber, grain, flour, (real estate, &c.,) in Trempealeau and other counties and places in the State of Wisconsin; and the said corporation by the said name is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the regulation and management of the said corporation, consistent with the constitution and laws of the United States and this State; and generally to do and execute for the well-being of said company whatever shall lawfully pertain to such bodies politic.

Capital stock.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with power to increase the said capital to three hundred and fifty thousand dollars, at any time a majority of said company shall deem it necessary.

Directors and other officers.

SEC. 3. The said company shall have a board of directors consisting of five stockholders, who shall be elected immediately after the organization under this charter, and shall serve during good behavior; the said board of directors to elect a president, secretary, treasurer, superintendent, and all other officers needful for carrying on the business of the company, and fix their compensation.

May receive certain property as stock, &c.

SEC. 4. This company are hereby authorized to receive a transfer of all the property, real, personal and mixed, of the firm of Bridenthal, King & Co., of Trempealeau, (should the said firm, or a majority in interest thereof

so desire,) and receive the same as stock in this company according to a valuation agreed upon by the contracting parties; each member of said firm to receive shares of stock in this company in proportion to his interest in the said firm. And should said firm make such transfer, then this company, by virtue of such transfer and this act, shall be entitled to hold, and shall hold, fulfil, receive and take all the contracts, articles of agreement, and all the right, title and interest of the said firm of Bridenthal, King & Co., in and to all their estate, real, personal and mixed, of whatever nature or kind.

When to organize.

SEC. 5. The said company shall organize as soon as twenty thousand dollars shall be subscribed to the capital stock.

Annual meeting.

SEC. 6. The annual meeting of this company shall be held on the first Monday of June.

Elections.

SEC. 7. At all elections under this charter, each share of stock shall be entitled to one vote, and may be cast in person or by proxy.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 221.

An Act to amend section 1, of Chapter 366 of the local laws of 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section one of chapter 366 of the local laws of 1855 is hereby amended, by excepting from the provisions of said act, all that portion of Sheboygan river, lying west of range twenty-three.

SEC. 2. This act shall take effect from and after its passage.

Approved March 4, 1857.

Chapter 222.

An Act to amend chapter 266 of the private and local laws of the year 1856, relative to a certain State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section one of an act entitled "an act to authorize the laying out of a State road from Fountain City, in Buffalo county, to Black River Falls, in Jackson county," is hereby amended, as follows: strike out the names of "James B. Carter and Jacob Spaulding," and insert "George Dewey and Edmund Bishop."

Amendment.

SEC. 2. Section two of said act is hereby amended, by adding the following: *Provided*, That no compensation be allowed for laying said road over any portion of the route where a road has been previously laid; nor shall any compensation be allowed unless the commissioners shall fully comply with the provisions of chapter 41, of the general statutes of the year 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 223.

An Act to amend an Act, entitled an Act to incorporate the Wisconsin Lumberman's Fire and Marine Insurance Company, and an Act amendatory thereto, approved the 29th of March, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment by changing name.

SECTION 1. That the name and style of the Wisconsin Lumberman's Fire and Marine Insurance Company, be, and the same is hereby changed to the "Wisconsin State Insurance Company."

Number of directors diminished.

SEC. 2. The number of directors for said company, after the expiration of the term of the present directors,

shall be seven instead of fifteen, as at present provided, and shall be elected annually, on the first Monday in July in each year, at the office of the company.

Agents. SEC. 3. Said company may appoint and have as many agents within and without this State, as the directors may appoint or otherwise provide for.

Amendatory act repealed. SEC. 4. An amendatory act mentioned in the title of this act, is hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved March 4, 1857.

Chapter 224.

An Act to incorporate the Ozaukee Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. Isaac C. Loomis, Julius Tomlinson, Orman Coe, Barnum Blake, Joseph Goldsmith, Lion Silverman, Walter Lyon, Moses Kilgore, Lester Morgan, J. P. DeCondres, Milo M. Whedon and Shepherd E. Moore, and such persons as may become associated with them in the manner hereinafter prescribed, are hereby created a body corporate and politic, with perpetual succession, by the name and style of the Style. "Ozaukee Academy," by which name they and their successors, shall be forever known, and shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity. Said corporation may Corporate powers. have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and the same to sell and convey, rent or otherwise dispose of at pleasure; *Provided*, The cost of the whole amount of real estate owned by said corporation at any one time, shall not exceed fifty thousand dollars in value.

Stock. SEC. 2. The stock of said corporation shall be divided into shares of ten dollars each, which shall be

deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation, and every stockholder in said corporation shall, at all meetings of the same, be allowed one vote, either in person or by proxy, for each share of stock standing to his name on the books of the corporation and actually owned by him at the time of such meeting.

Each share entitled to one vote.

Opening books, &c.

SEC. 3. The persons named in the first section of this act, or a majority of them, may at any time within one year after the passage of this act, open books of subscription for the capital stock of said corporation, and whenever in their opinion a sufficient amount shall have been subscribed, shall for the time being, close said books, and call a meeting of the stockholders, for the purpose of electing officers and fully organizing said corporation under this act, which meeting shall be notified by a notice, naming the time and place thereof, published for three successive weeks in some newspaper printed in the county of Ozaukee.

Election of trustees.

SEC. 4. At such legally notified meeting, the stockholders shall have power, and it shall be their duty, to elect nine of their number as trustees, three of whom shall be designated on the ballots as trustees, for one year, three for two years, and three for three years; and after the first election, three trustees shall be elected annually by ballot; *Provided*, That all trustees shall hold their offices until their successors are duly elected.

Proviso.

Trustees—their powers and duties.

SEC. 5. The said trustees shall have power, and it shall be their duty immediately after their election, as hereinbefore provided, and annually thereafter, to elect one of their number president; and also to elect from their number a treasurer, a secretary, and such other officers as the by-laws of said corporation shall require; and all such officers shall hold their office for one year, and until their successors are elected. The said trustees shall also have power:

1st. To make and establish all needful by-laws for the government and management of the said corporation;

2d. To call special meetings of the stockholders to fill vacancies in the board of trustees;

3d. To buy, receive, sell, lease, mortgage, or otherwise dispose of, any real or personal estate, as shall be

deemed by a majority of the trustees for the interest of the corporation;

4th. To employ suitable teachers, and to prescribe the course of study and discipline to be observed in said academy, and the rates of tuition in the same;

5th. To prescribe the duties, and fix the amount of compensation of all the teachers and officers of said corporation, and to remove the same for sufficient cause shown;

6th. To make all necessary rules, regulations and by-laws, and do all necessary and lawful acts, fully to carry out the purposes of this act.

Location of academy, &c.

SEC. 6. Said academy shall be located at the village of Port Washington, in the county of Ozaukee. No religious test or qualification shall ever be required of any trustee, officer, teacher, or pupil, nor shall sectarianism in religious matters ever be taught in said academy, but the same shall be an institution for inculcating morality, and teaching the arts and sciences.

Application of money, gifts, &c.

SEC. 7. All sums of money actually paid in as stock subscriptions, and all gifts, bequests, devises and contributions to said corporation, shall be faithfully applied by the trustees, to carry out the objects of this act, and a report of all receipts and expenditures, and of the financial condition and general standing of the corporation, with a catalogue of the students, shall be annually made and published by the trustees, for the benefit and information of the stockholders.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 225.

An Act for the relief of Joseph L. Beedle.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to issue a patent in a certain case.

SECTION 1. That the governor is hereby authorized to issue a patent to Joseph L. Beedle, for the south-west quarter of the north-west quarter of section No. one, in

township No. fourteen (14), north of range No. four (4), east, containing forty acres, upon the payment by him of the purchase money for the same, at one dollar and twenty-five cents per acre, within three months of the passage of this act.

SEC. 2. This act shall take effect from and after its passage.

Approved March 4, 1857.

Chapter 226.

An Act to vacate part of the town plat of the Village of Reedsburg, in the county of Sauk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Part of town plat vacated.

SECTION 1. All that part of the town plat of the village of Reedsburg, described on the recorded plat thereof, as blocks four (4), twenty-five (25), twenty-six (26), twenty-seven (27), and all that portion of twenty-one (21), lying west of the west line of lot four (4), in said last named block, be and the same is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 4, 1857.

Chapter 227.

An Act to amend an Act entitled "An Act to incorporate the village of Manitowoc," approved March 6, 1851.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to tax.

SECTION 1. Section 37 of an act entitled "An act to incorporate the village of Manitowoc, in the county of Manitowoc," approved March 6, 1851, is hereby amended by adding to said section as follows: "And any

person charged with said tax who shall have expended or used labor or materials in so grading, paving, or otherwise improving any side walk, shall be credited by such street commissioner in a sum equal to the fair value of such labor or materials for the purpose for which said tax shall be ordered to be levied, such fair value to be estimated by said commissioner.

Trustee as representative in county board.

SEC. 2. Each ward of the village of Manitowoc is hereby authorized to designate, at the annual election of village officers, one trustee to represent them in the board of county supervisors; and the trustee so designated, shall be entitled to take his place as a member of such board of supervisors, with the same rights, privileges and powers possessed by other members of said board.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 228.

An Act to incorporate the Hudson City Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That Moses S. Gibson, E. A. Clapp, Otis Hoyt, James M. Fulton, John O. Henning, Ammah Andrews, Charles Thayer, A. Gibson, A. D. Richardson, L. D. Bartlett, I. D. Seeley, Frederick Durand, and Geo. B. Jones, and their associates, together with such persons as may hereafter be associated with them, be and are hereby created a body politic and corporate, with perpetual succession, by the name and title of the Hudson City Academy, by which name they and their successors shall be forever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and the same to sell and convey,

Style.

Corporate powers.

rent, or otherwise lawfully dispose of at pleasure; *Provided*, The real estate which may be owned by this corporation, shall not exceed fifty thousand dollars.

Capital stock. SEC. 2. The capital stock of said company shall not exceed $50,000, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation.

Calling meeting. SEC. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof, by posting up notices in at least three public places, in the city of Hudson, where said corporation is hereby located.

Election of trustees by stockholders. SEC. 4. At such first legally notified meeting, the stockholders shall have power to elect by ballot, twelve trustees, four of whom shall be for one year, four for two years, and four for three years, and after the first election, four trustees may be elected annually; *Provided*, That all trustees shall hold their office until others are elected in their place.

Proviso.

Each share entitled to one vote. SEC. 5. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him.

Trustees and power. SEC. 6. The trustees shall have power,

1st. To elect from their number a president, secretary, and treasurer, also to elect all other officers of the corporation;

2d. To call special meetings of the stockholders, to fill vacancies in the board of trustees;

3d. To sell, lease, mortgage or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation;

4th. To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said academy;

5th. To prescribe the duties, and fix the salaries of all the officers of said corporation, and remove or suspend them from office for incapacity, immoral conduct or misbehavior in office, and to appoint others in their places;

6th. To make all rules, regulations and by-laws necessary or proper to carry into effect the powers herein

granted, and not inconsistent with the constitution and laws of this State.

No religious test required.

SEC. 7. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any student of said institution.

SE . 8. This act shall take effect and be in force from and after its passage.

Approved March 4, 1857.

Chapter 229.

An Act to authorize the County of La Crosse, to issue bonds for County purposes

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors authorized to issue bonds to build a court house.

SECTION 1. The board of Supervisors of the County of La Crosse, is hereby authorized and empowered to issue bonds of said county, to an amount not exceeding fifty thousand dollars, bearing interest not to exceed twelve per cent. per annum, and for a time not less than ten nor more than twenty years, to raise money to be expended in building a court house, jail and jailors dwelling within the city of La Crosse, in said county, and for such other improvements for the use of said county, as said board of supervisors shall deem necessary and proper.

Bonds—how issued.

SEC. 2. The bonds issued under and by this act, shall be signed by the chairman, and countersigned by the clerk of the board of supervisors under the corporate seal of said county, and shall be in sums of not less than five hundred dollars each, with interest payable annually on the first day of may in each year, at such place as said board of supervisors may determine.

Supervisors may direct the signing of the bonds, and the treasurer shall negotiate the same, &c.

SEC. 3. The board of supervisors of said county, may at their annual or at any special meeting direct by resolution, their chairman to sign, and their clerk to countersign, the whole amount of bonds authorized to be issued by this act or such part thereof as the board may determine, and it shall be the duty of the County

treasurer to negotiate the bonds so directed to be issued, and to place the proceeds thereof in the treasury of said county; but before the treasurer shall receive said bonds, or be trusted with them for negotiation, he shall execute his bonds to said county, in good and sufficient sureties, in the penal sum of double the amount of bonds so received by him, conditional for the faithful performance of his duty in the premises, and a strict accountability of all money received by him, from the sale of said bonds, and the prompt payment of the same, into the treasury of said county, which bonds shall be approved by said board of supervisors, and filed in the office of the clerk of the board of supervisors, and said board of supervisors shall fix by resolution the compensation of such treasurer.

To provide for payment of interest and principal by tax.

SEC. 4. It shall be the duty of said board of supervisors to provide for the payment of the interest and the ultimate payment of the principle of any county bonds which shall be issued under this act, and for that purpose said board of supervisors is hereby authorized and empowered to assess and collect annually a special tax on the real and personal property of said county, sufficient to pay the annual interest on said bonds, in the same manner as other taxes are now levied and collected by law, which special tax shall be collected in money only, and shall not be paid out by the county treasurer for any other purpose than the payment of the interest on said bonds, and the good faith of said county of La Crosse shall stand pledged for the punctual payment of the interest and the ultimate payment at maturity of all county bonds issued under the provisions of this act.

Bonds to be numbered.

SEC. 5. The said clerk of the board of supervisors shall number said bonds and shall make duplicates of the same to be filed and kept in his office.

Further powers.

SEC. 6. Said board of supervisors may do any other act or thing necessary to carry into full force and effect the foregoing provisions of this act.

Vote on issue of said bonds.

SEC. 7. That at the next annual town meeting to be held on the first Tuesday of April next, the qualified electors of the county of La Crosse in this State, shall be and are hereby authorized to vote for or against issuing the bonds of the said county for the purposes desiguated in this act, and if a majority of all the legal votes cast on that subject at such election be in favor

of issuing the bonds of the county, then all the provisions of this act shall be in full force, but should a majority of all the legal votes cast on that subject at such election, be against issuing the bonds of the said county, then this act shall be null and void.

Vote by ballot, &c.

SEC. 8. The votes cast on the subject of issuing the bonds of the said county as above provided, shall be by ballot; said ballots shall have written or printed, or partly written and partly printed on them the words "for issuing the bonds of the county," or "against issuing the bonds of the county;" said ballots shall be deposited by the inspectors of election in a separate box, to be kept by them for that purpose, and the said ballots shall be canvassed in the same manner as is now provided by law for canvassing votes cast for county officers.

Publication of this act.

SEC. 9. It shall be the duty of the sheriff of the said county of La Crosse, to cause this act to be published in all the newspapers published in said county, for at least two weeks successively, next preceding the time of holding the said election, and a copy of this act shall be served by the sheriff on the town clerk of each town in the said county, at least one week before the day of holding the next annual town meeting.

SEC. 10. This act shall take effect and be in force from and after its pasage.

Approved March 5, 1857.

Chapter 230.

An Act to amend an act entitled "An Act to incorporate the St. Croix and Lake Superior Railroad Company," approved February 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. The Saint Croix and Lake Superior Railroad Company is hereby authorized and empowered to survey, locate, construct, complete, and perpetually to have, maintain and operate a railroad with one or more tracks or lines, from any point or place on the

Authorized to survey, locate, &c., route. The right of transfer.

Saint Croix lake or river, or on the Mississippi river, southerly of township number twenty-seven, and northerly of township number twenty-five, which may be determined upon by its board of directors, to the west end of Lake Superior and to Bayfield, and for such purpose shall possess all the rights, powers and privileges conferred by its charter in relation to the road therein authorized to be constructed.

The right of transfer.

SEC. 2. It shall be lawful for the said company to receive and for the La Crosse and Milwaukee Railroad Company, to grant and convey to the said Saint Croix and Lake Superior Railroad Company, all the right, title and interest of the said La Crosse and Milwaukee Railroad Company, in and to that portion of the lands, or any part thereof, heretofore granted to the said La Crosse and Milwaukee Railroad Company, which lie north of the point or place where the road of the said last mentioned company shall intersect the Saint Croix lake or river, or other point which may be determined upon by the said last named company, or such portion of said lands as said companies may agree; and whenever such conveyance shall be made, the said Saint Croix and Lake Superior Railroad Company shall possess all the rights, powers and privileges in regard to the construction of said road, from the point so determined on, to the west end of Lake Superior and to Bayfield, and in regard to the application and disposal of said land, or any portion thereof, and in regard to the running of said portion of said road, and shall be subject to the same liabilities, duties, conditions and regulations, and the payment of the same amount of per centage upon the gross earnings of said road, which are conferred or imposed upon, or required of the said La Crosse and Milwaukee Railroad Company, or to which said last named company was subjected by an act approved October 11, 1856, entitled "An act to grant certain lands to the La Crosse and Milwaukee Railroad Company, and to execute the trust created by an act of congress, entitled 'An act granting certain lands to the State of Wisconsin, to aid in the construction of railroads in said State,' approved June 3, 1856," and so far as such portion of said railroad is concerned, the said La Crosse and Milwaukee Railroad Company shall be from the date of such conveyance, exonerated and released from such liabilities and duties.

When conveyance is made the St. Croix & Lake Superior Co. is invested with rights, &c., and subject to same liabilities.

SEC. 3. This act shall cease and be void, unless the said La Crosse and Milwaukee Railroad Company and the said St. Croix and Lake Superior Railroad Company, shall each accept and assent to the same within thirty days after its passage; and such acceptance shall be by a resolution adopted by the directors of said companies respectively, a copy of which, duly certified by the secretary of each said companies respectively, and under the corporate seal thereof, shall be filed in the office of the secretary of state within said thirty days. When this act shall become void.

SEC 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 231.

An Act to vacate certain Alleys in the Fourth Ward of the City of Milwaukee, therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the alley running north and south through block number fifty-six (56), in the fourth ward of the city of Milwaukee, as lies north of the alley running east and west through said block; so much of the alley running south-westerly through block number eighty two (82), in said ward, between lots number seven (7) and ten (10) as lies south-westerly of the alley running north and south through said block; and the alley running east and west through block number eighty-one (81), in the said fourth ward of the city of Milwaukee, be and the same are hereby vacated. Certain alleys vacated.

SEC. 2. The common council of the city of Milwaukee shall, on the petition of one or more owner or owners of a lot or part of a lot in the north half of block fifty-six (56), open and establish an alley through the north half of said block number fifty-six (56), twenty feet wide; the west side of which alley shall commence at a point in the north side of said block fifty-six, eighty feet easterly of the north-west quarter Council on petition shall open an alley, &c.

of said block, and running south easterly to the north-east corner of lot six in said block, numbered fifty-six;

Proviso.

Provided, The owner or owners of lot number one (1) and two (2) in said block, shall not be entitled to receive any damages for the opening of said alley above mentioned.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 232.

An Act to authorize the town of Rock, in the county of Rock, to borrow money to aid in the construction of a Bridge across Rock River, in said town.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town authorized to borrow money for bridge purposes.

SECTION 1. The town of Rock aforesaid is hereby authorized and fully empowered to borrow any sum or sums of money, not to exceed five thousand dollars, as the legal voters shall determine, from any person or persons, corporation or corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said town and any party or parties of whom such money may be obtained, any law of this State to the contrary notwithstanding, to aid in the construction of a bridge across Rock river, in this town.

Supervisors, in part of town, to do certain acts.

SEC. 2. The supervisors of said town are hereby authorized on the part of said town to borrow said sum of money, and to make, execute and deliver, in or out of this State, all necessary writings, notes, or other papers and securities, in amount and kind as by them may be deemed expedient, in consideration of any such loan.

Supervisors to receive said money and pay same out as provided—and make annual statement of expenditure

SEC. 3. The supervisors of said town shall receive said money so borrowed, and pay, lay out and expend, as they may deem proper, all moneys that may come into their hands under the provisions of this act, in aid of the construction of said bridge; and shall, at the annual town meeting for the year 1858, and annually

thereafter until such bridge shall be completed, make out a statement of the expenditures made by them out of said money, verified by their affidavits, severally subscribed and sworn to, setting forth to whom they paid said money, which shall be publicly read to the electors of said town at eleven o'clock of said day.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 233.

An Act to authorize certain Towns in the County of Marquette, to aid in the construction of the Sheboygan and Mississippi Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns authorized to aid in construction of a certain railroad.

SECTION 1. The respective boards of supervisors of the towns of Brooklyn, Green Lake, Mackford, Manchester, St. Marie, Kingston, Dayton, Princeton, Shields, Montello, Harris, Buffalo, Marquette, Moundville, Mechan, Packwaukée, Oxford and Westfield, in the county of Marquette, are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of their respective towns, for any sum of money not exceeding the amount of twenty-five thousand dollars in each town.

Denomination of bonds.

SEC. 2. Such bonds shall be signed by the chairman of supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars, or of one thousand dollars each; shall be payable at such place as the board of supervisors, issuing them, may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually, at not exceeding eight per cent. per annum.

Bonds good for face in payment for stock.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment, at the value expressed on their face, for shares of stock to be subscribed by the supervisors, for the bene-

fit of the town, in the capital stock of the said railroad company.

Vote on issue of said bonds, &c.

SEC. 4. No such bonds shall be issued until a majority of the legal voters of the town, voting upon the question, shall have voted in favor of such issue. The election for that purpose, may be called by the supervisors of the town, in the manner prescribed by the statute, or ordered to be held on the day of the annual town meeting, and an election, either special or otherwise, shall be ordered by the supervisors of any of the said towns, on petition of twenty-five freeholders thereof, but in case of any such election, notice thereof shall be posted up in five public places in the town, and be published in a newspaper printed in the county, for three weeks preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, and how payable; at such election, those voting in favor of the proposition, shall deposit a ballot containing the words, "For the Railroad," and those voting against it, shall deposit a ballot containing the words, "Against the Railroad." The election shall be conducted, and the votes shall be canvassed, and certified in the same manner as the votes given at the annual town meeting.

Before issue of Bonds company to secure for faithful application of same.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the said railroad company shall give security, to the satisfaction of the supervisors, that the money arising from the sale of the bonds, shall be faithfully applied to the construction of said railroad, in said county of Marquette, most advantageous to their town, and that said railroad shall be completed to such point, and within such time as they may deem it safe and expedient to require.

Stock taken by towns pledged for payment of interest, &c.

SEC. 6. The shares of stock in said railroad company, thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor, but the supervisors may sell the same, if authorized so to do, by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale, and the interest thereof, shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a

in such manner as the by-laws of said company may direct.

First directors —their rights, &c.

SEC. 3. The said Hiram S. Allan, Jacob Wills, Elias A. Galloway, Eugene Shine and Otis Hoyt, shall be the first directors of said company, and shall from and after the passage of this act, and until other directors are elected, in pursuance of the provisions of this act, have, exercise, enjoy and perform all the rights, privileges, powers and duties, which by the provisions of this act may or can be exercised, enjoyed or performed by the board of directors, to be elected by the stockholders as hereinafter provided.

Opening of books, &c.

SEC. 4. The aforesaid directors, or a majority of them, shall open books for subscriptions to the capital stock of said company, at such time and place as they shall designate, of which they shall give such notice, in some newspaper, as they think proper, at and after which time subscriptions may be received under their direction, or the direction of any one or more of them, or under the direction of such agent or agents as they or a majority of them may appoint; and whenever one thousand shares or more of the capital stock of said company shall have been subscribed, the said directors shall give such notice as above, as they shall think proper, to the subscribers of the stock of said company, to meet at such time and place as shall be designated in said notice, for the purpose of electing such number of directors as the directors named in this act shall have determined upon, and designated in such notice of election.

Management by directors, &c.

SEC. 5. The property and affairs of said company, shall be managed and conducted by a board of directors, who shall be stockholders, consisting of such number as the directors for the time being shall prescribe, and shall have designated in the notice for the annual election. They shall hold their office for one year and until their successors are elected, and shall be elected at the annual meeting of the stockholders, which shall be held at such time and place in this State, as the directors shall prescribe, and at every meeting of stockholders, every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him held.

To make by-laws.

SEC. 6. The directors shall have power and authority to make such by-laws as they may think proper

respecting the management of the property, concerns, business, stock, government and powers of said corporation, and exercise all the power which may be prescribed by such by-laws, not inconsistent with this act, or with the constitution and laws of this State.

May purchase, sell and manufacture logs, erect buildings, machinery, dams, &c.

SEC. 7. The said corporation shall have power to purchase, sell and manufacture logs, timber, lumber, shingles, lath, and all suitable machinery for the manufacture and use of the same, and also any patent right which they may deem useful in the prosecution of their business. They may erect and maintain all suitable buildings and machinery for such manufacturing purposes on any lands owned or to be owned by them in town twenty-eight, (28) north, range eight, (8) west, in the county of Chippewa, in this State; and the said corporation is also hereby authorized and empowered to erect and maintain one or more dams across the Chippewa river, at such point or points in said town and range, as they shall elect, so that the water in said river, shall not be raised by the construction of such dam or dams, more at the highest point than sixteen feet above low water mark, and the said corporation is also empowered and hereby authorized to erect and maintain a boom or booms, with sufficient piers across said river in such manner and form and with such strength as will stop and hold all logs and other things which may float in said river, which boom or booms shall be so arranged as to permit the passage of boats at all times, and at times of running lumber, a sufficient space shall be kept open in some convenient place, for the passage of rafts, and the said dam or dams shall be built with suitable slides, for the running of lumber in rafts over the same; and said dam or dams, and boom or booms, shall be so constructed as *not* to obstruct the running of lumber rafts in said river.

Proceedings where no owner appears for logs secured in any of said booms.

SEC. 8. Whenever any saw logs shall be bound and secured in any boom constructed or maintained by said company, and no person shall appear on behalf of the owner or owners thereof to claim the same, the said corporation may cause the said logs to be sawed into lumber and accurately measured, and after deducting the usual rates for sawing, the balance of said lumber or the proceeds thereof shall be kept by said corporation, subject to the order or the disposition of the owner. The said company shall keep in a book kept for that

purpose, an accurate account of all logs so taken and sawed and of all marks thereon.

May issue bonds, &c. for payment.

SEC. 9. The said corporation are hereby authorized in their corporate capacity and name, to make, execute and deliver to any person or persons, trustee or body corporate or politic, bonds, notes, contracts or agreements for the payment of money or the delivery of lumber or other personal property, and also mortgages or other deeds, with all usual covenants of any real estate by them held, owned or occupied, and to sell and dispose of any such bonds, notes, contracts or agreements for such price or consideration as they shall think fit, and the company is hereby authorized and fully empowered in its corporate capacity to borrow any sums of money from any person or persons, corporation or any body politic of any kind, and for any rate of interest which may be agreed upon, any law on the subject of usury in this State or any other State where such transaction may be had, to the contrary notwithstanding.

Officers other than directors, &c.

SEC. 10. The directors of said corporation shall have power to prescribe by their by-laws, what officers of said company, other than directors, shall be elected or appointed, and the mode and manner of their election, or appointments, and to prescribe their powers and duties, and mode of removal; they shall also have power to fill any vacancy in their number, and to prescribe the times and places of their meetings, also from time to time to prescribe by their by-laws or by resolution, the time, manner and proportions, in which the stockholders shall pay the amount of their respective subscriptions, and to forfeit to the use of the company, or to sell all stock, any portion of which shall be unpaid, and they shall have, possess and exercise all the powers of the corporation.

To fill vacancies and prescribe times of meetings.

Public act.

SEC. 11. This act is hereby declared to be a public act, and shall be favorably construed in all courts and places whatever, and shall take effect from and after its publication.

Approved March 5, 1857.

Chapter 236.

An Act to amend an act entitled "An Act to incorporate the Evansville Seminary," approved March 18, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment, so as to elect a visiting committee.

SECTION 1. Section five of said act shall be and the same is hereby so amended as to read as follows, viz.: The annual conference of the Methodist Episcopal Church, within the bounds of which the said seminary is located, may annually elect a visiting committe of five members, whose duty it shall be to attend at the examinations of this institution, and look into its condition generally, and report fully thereon in writing, at the next annual meeting of the board of trustees; and said committee shall be also *ex officio* members of said board of trustees.

SEC. 2. This act shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 237.

An Act authorizing Amasa Wilson to build and maintain a Dam across the Lemonweir river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May erect a dam.

SECTION 1. Amasa Wilson and his associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam aross the Lemonweir river on section seven and eight, in town sixteen, range three east, in the county of Juneau, and to make use of the water of said river for hydraulic purposes.

Dimensions and how to be constructed.

SEC. 2. Said dam shall not exceed ten feet in height from the ordinary water line of said river, and shall be so constructed as to admit the passage of logs, rafts timber and water crafts, which shall at all times be entitled to pass said dam free of all charges, to the owner

or owners thereof; *Provided*, That the erection and maintenance of said dam shall in no ways infringe upon the rights of other persons not herein named. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 238.

AN ACT to incorporate the New England Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Rogan, Jonas P. Lee, James Cody, William T. Butler, Myron B. Williams, and all such persons as shall hereafter become associated with them by subscription to the capital stock of the company, created by this act, and their successors and assigns are hereby created and declared a body corporate and politic, by the name and title of the "New England Manufacturing Company," by which name said company shall ever be known, and it shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places, and in all manner of actions and cases whatever, and may have and use a common seal, and may alter the same at pleasure, and may purchase, hold, and convey estate, real, personal and mixed, for the use and benefit of said company. Corporators. Style. Corporate powers.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe. Capital stock.

SEC. 3. The business of said company shall be the manufacture of cotton cloths, fabrics and goods of all descriptions, the manufacture of railroad cars of all descriptions, all kinds of machinery, constructed of iron, agricultural instruments, iron and all other metal Business of company.

his appointment until a new board of directors shall be chosen, and it shall be his duty to preside at all meetings of the directors and stockholders, during his term, when present, and all future boards of directors, shall immediately after appointment, elect from their number a president, whose duties shall be the same as prescribed in this section, and who shall also perform such other duties, as the by-laws of said company shall prescribe, and each of the respective boards of directors, shall also appoint from among the stockholders, a treasurer of said company and a secretary, who shall hold their appointment during the pleasure of the board, whose duties shall be defined by the by-laws of said company, and all the by-laws, established by the company, and all rules and regulations may be altered, amended or abrogated, in the manner to be provided for in the by-laws of said company. The by-laws made and established by the board of directors, shall be submitted by the board of directors, (shall be submitted) to a meeting of the stockholders, called for that purpose, in the manner provided for special meetings, and the stockholders by a majority vote, may approve or reject the same in whole or in part; but such special meeting as is provided for in this section for revising and adopting by-laws, shall not be necessary after the first year of the organization of said company, but in all subsequent years, any additional by-laws and changes in existing ones shall be submitted to the stockholders, at their annual meetings, for their approval and adoption.

By-laws to be submitted for approval to stockholders.

Location of office of company.

SEC. 9. The office of said company shall be held in the city of Watertown, where all meetings shall be had for the transaction of business by the stockholders.

SEC. 10. This act shall take effect upon its passage, and may be altered or amended by any future legislation.

Approved March 5, 1857.

Chapter 239.

An Act to authorize Alexander McGilvrey and associates, to construct a bridge across Black River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May construct a bridge.

SECTION 1. Alexander McGilvrey, his associates and assigns, are hereby authorized to construct and maintain a bridge across Black river, on land belonging to them, on section number twenty-one (21), in township number eighteen (18), north of range number eight (8), west, of the fourth principal meridian.

Bridge—how to be constructed.

SEC. 2. Said bridge shall not be less than sixteen feet wide, and shall be so constructed as to give free and uninterrupted passage at all times, to any rafts coming down said river, and to all keel-boats, flat-boats, or steamboats, running either up or down said river, without any hindrance, let or delay; and the said Alexander McGilvrey, his associates and assigns, shall be liable in an action on the case for any injury, detention or delay, by reason of, or on account of said bridge, to be recovered in any court of competent jurisdiction.

Toll.

SEC. 3. The said Alexander McGilvrey, his associates and assigns, shall have power immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge, as follows: for any vehicle drawn by two horses, mules or oxen, twenty-five cents; for each additional horse, mule or ox, five cents; for any vehicle drawn by one horse, fifteen cents; for a single horse, five cents; for horses and cattle in droves, three cents each; for hogs and sheep in droves, two cents each; and for foot passengers, two cents each.

To keep rates posted up.

SEC. 4. Said McGilvrey, his associates and assigns, shall keep posted up in a conspicious place on said bridge, the rates of toll allowed by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 240.

An Act to amend an act entitled "An Act to incorporate the Monteville and Black River Railroad Company," approved March 31, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment by changing name of company.

SECTION 1. The corporate name of the Monteville and Black River Railroad Company, is hereby changed to that of the Mississippi, Black River and Lake Superior Railroad Company, and by the name and style of the Mississippi, Black River and Lake Superior Railroad Company, shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation, with all the power and privileges contained in the said act incorporating the said Monteville and Black River Railroad Company.

Authorized to extend road.

SEC. 2. The said Mississippi, Black River and Lake Superior Railroad Company are hereby authorized and empowered to extend the said railroad to any point on Lake Superior, in the State of Wisconsin, within ten miles of the Montreal River.

May consolidate with another company.

SEC. 3. The said railroad company are hereby authorized and empowered to consolidate the said railroad company with the La Crosse and Black River Falls Railroad Company, on such terms and conditions as shall be agreed upon by the directors of the two companies.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 241.

An Act to amend Chapter 123 of the local laws of 1855, entitled "An act to provide for the election of Register of Deeds in the county of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to election of register of deeds.

SECTION 1. The election to be held in the county of Ozaukee, to elect a register of deeds of said county, as mentioned and provided for in section one of chapter one hundred and twenty-three of the private and local laws of the year 1855, shall hereafter be held on the first Tuesday after the first Monday of November next, and every two years thereafter. The time of service of the register elected at such an election shall commence on the first day of January thereafter, and section one of said chapter is declared hereby to be so amended.

Publication of this act.

SEC. 2. This act shall be published by order of the secretary of state, in all the newspapers published in the county of Ozaukee, and shall go into effect from and after its passage.

Approved March 5, 1857.

Chapter 242.

An Act to incorporate the Fire Department of the City of Janesville.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That all persons who now are or hereafter may become members of the fire department of the city of Janesville, and their successors, shall be and are hereby ordained, constituted and declared to be and continued a body politic and corporate, in fact and in name, under the name and style of the "Fire Department of the City of Janesville," and by that name they and their successors may and shall have perpetual succession, and shall be known in law, capable of suing

Style.

Corporate powers.

and being sued, pleading and being impleaded, of answering and being answered to, defending and being defended, in all suits, complaints, matters, causes, courts and pleas whatsoever, and both in law and equity, and capable of having a common seal, of acquiring by purchase, gift, devise or otherwise, and of holding and conveying any real, personal or mixed estate, necessary, proper or expedient for the object of this incorporation; *Provided*, That the amount of said estate shall at no time exceed the sum of fifty thousand dollars.

Proviso.

Powers granted.

SEC. 2. The members of the Fire Department of the City of Janesville hereby incorporated, shall have and are hereby declared to have full power and authority to make and prescribe such by-laws, rules, ordinances and regulations, and the same to alter, amend and change at pleasure, as to them from time to time shall seem needfull or proper, touching the management and disposition of their funds for the objects aforesaid; touching the regular and special meetings of the department; the regulation, duty and conduct of their members, delegates and board of trustees; the election and displacing of officers and delegates; the admission and repulsion of members; the filling of vacancies in offices; and touching every other matter and thing necessary or expedient for the good government and promotion of this incorporation, or what pertains to the business and objects for which the said incorporation is by this act instituted; *Provided*, That such by-laws, rules ordinances and regulations, be not repugnant to the constitution of the United States or of this State.

Proviso.

Officers and duties.

SEC. 3. The officers of said department by this act incorporated, shall be a president, vice-president, secretary, treasurer and collector, who together with the chief engineer of the Fire Department, and the delegates from the several fire companies and other bodies, pursuant to the provisions of the constitution and by-laws of the department, shall constitute a board of trustees, a majority of whom shall be a quorum for the transaction of business; and said officers and delegates separately, as a board of trustees, shall do and perform such duties and things as may be incumbent upon, or required of them by the constitution and by-laws of the department.

Annual meeting.

SEC. 4. There shall be an annual meeting of the members of said corporation on the second Monday of January in each year, at which the officers shall be elected by ballot, by a majority of the members present, from their own body, and the officers elected shall hold their offices for one year, or until others be chosen in their place; but in case it shall at any time happen that an election of officers shall not be made or had on that day, the corporation shall not be dissolved; but it shall and may be lawful to hold such election thereafter, pursuant to public notice given in one or more of the newspapers printed in said city.

First officers.

SEC. 5. Of the Fire Department of the City of Janesville, William W. Holden, shall be president; J. Dewitt Rexford, vice president; John H. Vermilye, secretary; Freeman A. Kimball, treasurer; and Felix Barreare, collector, who, together with the chief engineer of the Fire Department of the City of Janesville, and the delegates chosen as aforesaid, shall be chosen the first board of trustees, and shall hold their offices until the second Monday of January next, or until others shall be chosen in their stead.

Interest of fund—how appropriated.

SEC. 6. The interest arising from the funds of said corporation, except sufficient to defray incidental expenses, shall be appropriated to the relief of such indigent and disabled firemen and their families as may be interested in the fund, and who may be, in the opinion of a majority of the trustees, worthy of assistance.

Shall issue certain certificates, &c.

SEC. 7. All certificates now required to be obtained by firemen from the clerk of said city, pursuant to the provision of any law of this State, shall hereafter be obtained from the Department by this act incorporated; which certificate, signed by the president and treasurer of this Department, and countersigned by the city clerk of said city, and, under the seal of this incorporation, shall have the like effect of those heretofore obtained from the said city clerk, and shall be satisfactory evidence of the facts therein contained; and each person applying for such certificate, shall pay therefor such sum as the by-laws of the department shall prescribe, for the benefit of the corporation and the object thereof.

Trustees to deliver list of members to city clerk.

SEC. 8. It shall be the duty of the board of trustees to make out and deliver to the city clerk, once in each year, or whenever he may request it, an accurate list of all members of this corporation who are exempt from

jury or military duty, that are or may become entitled to the benefits thereof.

Repealing clause.

SEC. 9. All acts and parts of acts which contravene the provisions of this act, are hereby repealed, and this act shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 243.

An act to provide for the improvement of the Menomonee river in the city of Milwaukee, and to vacate certain streets adjacent thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

The city may widen and enlarge the Menomonee river, &c.

SECTION 1. The common council of the city of Milwaukee, shall have the power to widen and enlarge the Menomonee river, or any portion thereof, within the limits of the section thirty-two, in the city of Milwaukee, so as to render the same more useful for navigation;

Proviso.

Provided, That no land shall be taken for that purpose, without the consent of the owners, unless the necessity of taking the same shall be first established by a verdict of a jury, and the common council may proceed in taking such land, and in determing the amount of compensation to be paid therefor, and in assessing benefits and damages according to the provisions of the charter of the city of Milwaukee, and the amendments thereto, then in force, in reference to the laying out and widening of streets, [and] public grounds; and (of) [if] any part of the present bed of the Menomonee river shall be abandoned by the city as a public highway, by reason of any such change in the course of said river, the title thereto, shall vest in the owner or owners of the lots or land extending thereto, according to the rules of the common law, and such owner or owners shall have the right to improve and occupy the same.

Plats vacated.

SEC. 2. The plats of blocks thirty-eight, thirty-nine, forty and forty-one, and the alley through said block forty-one, are hereby vacated, and the owner or owners thereof, are hereby authorized to re-plat the land embraced in said blocks.

SEC. 3. That the boundary lines of that portion of Union street, in the fifth ward, lying in front of blocks forty-five, forty-six, forty-eight and forty-nine, be so changed as to make such lines straight, and an extension of the lines of Third street, in the 4th ward, and the owner or owners of said blocks are hereby authorized to replat the same, so that the lots shall extend to the lines of said street as thus altered; that the street between blocks fifty and fifty-one, and that portion of Lake street, north and west of the Menomonee river, be, and the same are hereby vacated and forever discontinued as public highways, and that the title of that portion of said streets hereby vacated, shall vest in the owner or owners of the lots fronting the same, that is to say, the owner of such lot shall own in fee simple, the land in front thereof, into the middle of the street. To change boundary lines. Streets vacated.

SEC. 3 [4]. The channel of the Menomonee river, shall not be changed, as to that portion thereof, the south bank of which lies in Oregon street, between blocks thirty-eight and fifty-one, without the consent of all the property holders in the immediate vicinity. Relative to changing channel of river.

SEC. 4 [5]. Said common council shall have the power to establish dock lines for said Menomonee river, and for any part thereof, which shall be ordered enlarged, or which shall be changed in its course, and also to cause wharves to be constructed, altered, and maintained, along such dock lines, and also to cause the whole width or space between such dock lines, or any portion thereof, on each side, to be dredged and the expenses of constructing, altering, and maintaining such wharves and of such dredging to be apportioned to the several lots or parcels of land extending to said dock lines, in proportion to the work done opposite to such lot or parcel of land, to be estimated by the surveyor in the same manner and to the same extent as is provided in the charter of said city, in reference to the Milwaukee river. Establishing dock lines, constructing wharves, &c.

SEC. 5 [6]. None of the expenses incurred under the provisions of this act shall ever be paid out of the general fund of the city of Milwaukee; but if any part of such expenses shall not be paid by the property adjoining such improvements, then the same shall be paid out of the ward funds in which such improvements are made. Expenses—how defrayed.

Approved March 5, 1857.

Chapter 244.

An Act to authorize the town of Ripon, in the county of Fond du Lac, to aid in the construction of the Sheboygan and Mississippi Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town of Ripon authorized to subscribe to railroad.

SECTION 1. The board of supervisors of the town of Ripon, in the county of Fond du Lac, is hereby authorized, on the conditions hereinafter mentioned, to issue the bonds of said town for any sum of money not exceeding fifty thousand dollars, to the Sheboygan and Mississippi Railroad Company.

Signing of bonds and when payable.

SEC. 2. Such bonds shall be signed by the chairman of supervisors of said town, and countersigned by the town clerk; shall be of the denomination of five hundred dollars each; shall be payable at twenty years from date, and at such place as the board of supervisors issuing them may determine, and shall be at a rate of interest not exceeding eight per cent.

Vote on issue of bonds.

SEC. 3. No such bonds shall be issued until a majority of the legal voters of said town, voting on said question, shall have voted in favor of said loan. Notice of such election shall be given by publication in a newspaper printed in said town at least for three weeks before the holding thereof, and all electors voting for said loan shall deposit a ballot which shall contain the words "For the railroad," and those voting against said loan shall deposit a ballot which shall contain the words "Against the railroad." The election shall be conducted and the votes canvassed in the same manner as the votes given at the annual town meeting, and said election may take place on the same day and place of any general election or any annual town meeting, notice thereof being given as above required.

Company before receiving bonds to give security to town, &c.

SEC. 4. Before the board of supervisors shall issue said bonds, they shall require and receive of said company such securities as they may deem proper, with such conditions as may be agreed upon, and may require of said company that they run said railroad to such point as may be agreed upon.

SEC. 5. This act shall be in force and effect from and after its passage.

Approved March 5, 1857.

Chapter 245.

AN Act to authorize certain towns to aid in the construction of Railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns authorized to aid in construction of railroads.

SECTION 1. The respective boards of supervisors of the towns of Fountain Prairie, Otsego, Lowville, Wyocena, and Pacific, and the city of Portage, in the county of Columbia, are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of their respective towns, for any sum of money not exceeding in the aggregate the amount in each case hereinafter specified, to wit: Fountain Prairie, twenty-five thousand; Otsego, twenty-five thousand; Lowville, twenty-five thousand; Wyocena, forty thousand; Pacific, twenty thousand; and the city of Portage, one hundred thousand dollars.

Signing of bonds, denomination, and when payable.

SEC. 2. Such bonds shall be signed by the chairman of supervisors and countersigned by the town clerk; shall be of the denomination of five hundred or of one thousand dollars each; shall be payable at such place as the board of supervisors issuing them may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually, at not exceeding eight per cent. per annum.

Bonds may be delivered in payment of stock, &c.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors for the benefit of the town in the capital stock of any railroad company authorized to construct a railroad through such towns or adjoining towns.

Vote on issue of said bonds.

SEC. 4. No such bonds shall be issued until a majority of the legal voters of the town, voting upon the

question, shall have voted in favor of such issue. The election for that purpose may be called by the supervisors of the town or mayor of the city, or be ordered to be held on the day of the annual town meeting or charter election; but in either case notice of the election shall be posted up in five public places in the town or city, and be published in all the newspapers in the county for twenty days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, and the railroad for which they are to be issued. At such election, those voting in favor of the proposition shall deposit a ballot containing the words "For the railroad," and those voting against it shall deposit a ballot containing the words "Against the railroad." The election shall be conducted and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Railroad company to give security for faithful application of money.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the railroad company shall give security to the satisfaction of the supervisors that the money arising from the sale of the bonds shall be faithfully applied to the construction of ruch railroad as they may designate, most advantageous to their town, and that the railroad shall be completed to such point and within such time as they may deem it safe and expedient to require.

Stock taken by towns pledged for payment of principal and interest, &c.

SEC. 6. The shares of stock in such railroad company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor; but the supervisors may sell the same, if authorized so to do by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale and the interest thereof shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, after deducting the dividends due to their towns on their shares of stock.

Stock of towns not affected by any lien, &c.

SEC. 7. The shares of stock so subscribed for and held by any such town shall not be in any manner affected by any mortgage, lien or incumbrance, given or obtained upon such railroad, [and in case any such

railroad] shall be sold or in any manner disposed of to satisfy such mortgage or lien, such shares of stock held by such town shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares, in whosesoever hands or control such railroad may be, as if no such sale or diposition had been made.

Railroad commissioner.

SEC. 8. The board of supervisors of each town holding any shares of stock, shall annually or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town in the election of officers and all questions.

Publication of act.

SEC. 9. This act shall be published in all the newspapers published in said county of Columbia, and with the laws of a general nature, and shall be in force from and after its passage.

Approved March 5, 1857.

Chapter 246.

An Act to incorporate the "Kranken Unterstuetzung Geselshaft," of Mineral Point.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Max Adler, George Appel, Theodore Engels, Phillips Fick, George Moeller, and Michael Forester, and their associates and successors, having united themselves into an association for the purpose of affording relief to their members in sickness or distress, by contributing to the expenses for burying their dead, and by furnishing aid to their widows and orphans, and for other benevolent purposes, are hereby declared and constituted a body corporate and politic, located in the village of Mineral Point, by the name of the "Kranken Unterstuetzung's Geselshaft," of Mineral Point.

Objects.

Style.

Corporate powers.

SEC. 2. The said corporation shall have power to contract and be contracted with, to sue and be sued, to

implead and be impleaded, answer and be answered in in all courts of this State, and shall be vested with all the powers and privileges necessary to carry out and fulfil the objects of this corporation.

May establish by-laws, &c.

SEC. 3. The said corporation shall have power to establish for its government, a constitution and by-laws, not inconsistent with the constitution or laws of this State, to have and use a common seal, and to alter the same at pleasure, and to take by gift, grant or bequeathal, and to hold and convey real and personal property, not exceeding in value twenty-five thousand dollars.

Meeting and election of trustees.

SEC. 4. The members of this corporation shall have power to assemble at such time and place as may be agreed upon; and they shall elect any number or discreet persons, not less than three nor more than nine in number, as trustees to take charge of the real and personal property belonging thereto, and to transact all business relative to the investment and disposal thereof.

Other officers, &c.

SEC. 5. It shall be lawful for said association to elect and appoint such other officers as the condition and circumstances of the case may require, and to prescribe their powers and duties, and require bonds for the faithful performance thereof, in such final sum and with such sureties as they may choose, and also to prescribe their terms of office, which shall not be less than one nor more than two years, provided said trustees shall hold their office until their successors are duly elected and qualified.

Property—to what devoted.

SEC. 6. The property, real and personal, of said corporation, shall be devoted solely to the purposes and objects of said association; and all real and personal estate which has been, or may hereafter be lawfully conveyed by devise, grant, gift, purchase or otherwise to said association, or to any person or persons in trust, for the said association, shall descend with improvements, in perpetual succession to, and shall be held by said trustees and their successors in office, in trust for said corporation.

SEC. 7. This act shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 247.

An Act to vacate Nauvoo and Mahnawauk streets, in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the street, known on the plat of the third ward of the city of Milwaukee, as Nauvoo street, running east and west between blocks number one hundred and ninety-one, and one hundred and ninety-two, and block number one hundred and ninety-three, and one hundred and ninety-four, and all that part of the street known on the plat of the third ward of the city of Milwaukee, as Mahnawauk street, running north from Cooper street, passing between the said blocks, number one hundred and ninety-one, and one hundred and ninety-four, and blocks number one hundred and ninety-two, and one hundred and ninety-three in the third ward of the city of Milwaukee, as described on said plat, is hereby vacated. Street vacated.

SEC. 2. This act shall take effect, and be in force, from and after its passage; *Provided*, That this act shall be recorded in the office of the register of deeds, for the county of Milwaukee. When to take effect.

Approved March 5, 1857.

Chapter 248.

An Act relating to assessment of taxes in the county of Wood.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of the provisions of an act entitled "An act to provide for the assessment of taxes in the counties of Portage and Marathon, and to repeal an act entitled an act to change the time of making assessments and collection of taxes in the counties of Marathon and Portage," are hereby extended to the county of Wood; Act relating to assessment of taxes in certain counties extended.

and the assessment of all taxes in said county of Wood shall hereafter be made in the same manner and at the same time as is or shall be provided by law for the assessment of taxes in said counties of Portage and Marathon.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 249.

An Act to incorporate the Dane County Farmers' Protective Union.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Elias Comb, John Webb, Samuel G. Abbott, Sanford Shumway, Israel Smith, H. M. Everett, Allison Turner, George Gillatt, Jonathan G. Pelton and Andrew J. Luse, and their associates and successors, are hereby constituted a body corporate and politic, by

Style.

the name and title of the "Dane County Farmers' Protective Union," and by that name may sue and be sued, plead and be impleaded in any court in this State, and may have a common seal, and may so continue for the space of twenty years for the uses and purposes hereinafter mentioned.

Corporate powers.

SEC. 2. Said corporation shall have power to transact a general commercial business, including buying and selling all kinds of merchandize and produce, forwarding and commission, at such time and place in said county of Dane, and in such manner as said corporation may see fit; and for the purpose of carrying on and conducting such business, said corporation may, by any agent or person duly authorized for that purpose, and for themselves, lease, purchase, hold, buy and sell at their pleasure, real and personal property, and may further establish such branch or branches for the carrying on and conducting their business as they may think necessary and proper, at any place or places within this State.

Capital stock, &c.

SEC. 3. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of ten dollars each, ten per cent. of which shall be actually paid at the time of the subscription thereof, and each stockholder shall have one vote in all elections for each share of stock owned by him, and in determining all matters proper to be determined by such stockholders.

Opening books.

SEC. 4. The persons named in the first section of this act, or a majority of them, may at such time and place as they direct, open books for the subscription to the capital stock of said corporation, and may receive the same from all persons who may choose to become stockholders, and when two thousand dollars of such capital stock shall be subscribed, the stockholders may organize, elect their agents and officers, and proceed to business, under this act.

Management of affairs.

SEC. 5. The business of said corporation shall be conducted under the direction (of) [or] supervision(s) of a board of directors, of not less than five nor more than nine, to be elected by the stockholders of said corporation, at such time and place, and in such manner as they or a majority of them may direct, who shall hold their office for one year after their election, and until their successors are elected and qualified. A majority of such directors shall constitute a quorum for the transaction of business, and all business intrusted to them by said corporation, and by the provisions of this act, may be determined by a majority of such quorum at any regular meeting of such directors, and they may fill any vacancy in their number.

May employ necessary assistants, &c.

SEC. 6. Said board of directors may employ all such agents, servants, laborers and other persons, as they may deem proper for the carrying on and conducting the business of said corporation, and may make all necessary rules, regulations and by-laws for the carrying on and conducting such business, which may be repealed, modified, altered or amended by the stockholders of said corporation, at any regular meeting thereof.

When stock become forfeited.

SEC. 7. If any person shall refuse or neglect to pay the amount of capital stock by him or her subscribed, or any assessment thereon, for the space of sixty days after the same shall become due, by the terms of subscription, and after having received due notice, the di-

rectors at their discretion, may declare said stock forfeited to said corporation after giving additional thirty days' notice to the delinquent of such their determination, unless such stock or assessment shall be sooner paid.

Stock deemed personal estate

SEC. 8. The capital stock of said corporation shall be deemed personal estate, and shall be transferred in such manner as shall be prescribed by the directors of the corporation.

Stockholders individually liable.

SEC. 9. The stockholders of said corporation shall be individually liable for all debts contracted by such corporation to the amount of the capital stock by each subscribed.

How to be construed.

SEC. 10. No provision in this (bill) [act] shall be so construed as to change or interfere with the regulations made or that may be made by the Madison city authorities in regard to weighing. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 250.

An Act to authorize Francis M. Rublee and others, to keep and maintain a Ferry across the Mississippi River, in La Crosse County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to keep a ferry and location.

SECTION 1. Francis M. Rublee, Wm. R. Lile, A. M. Pettibone, and Dugald D. Cameron, their heirs, executors and assigns, shall have the right for the term of fifteen years, of keeping and maintaining a ferry across the Mississippi river, on section twenty-four, (24,) or twenty-five, (25), in township number sixteen, (16), north of range number eight, (8) west, in the county of La Crosse, to any point in or in front of the village of La Crescent, or in the village of Rome, or at any point between those villages in the territory of Minnesota territory.

Regulations and toll.

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law, subject, and the proprietors thereof, shall be entitled to receive for cross-

ing any vehicle drawn by two horses, or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for one horse and buggy, forty cents; for one man and horse, thirty cents; for cattle and horses in droves, ten cents each; for hogs and sheep, five cents each, and for foot passengers, fifteen cents each. Mules shall be subject to the same charge as horses.

Members deadheads.

SEC. 3. All the members of the present legislature, shall be entitled to cross said ferry free of charge, so long as this charter shall remain in force.

Shall not be construed to conflict with a former act, &c.

SEC. 4. Nothing in this act shall be so construed as to interfere in any way with the provisions of chapter 182 of the private and local acts of 1854, approved March 25, 1854, entitled, an act to authorize Peter Burns and William Hood, to keep and maintain a ferry across the Mississippi river, nor shall this act in any wise interfere with the renewal of the grant to said Hood, Burns, and their associates or their assigns, if the legislature should think proper to renew the grant, after the expiration of its present term.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 251.

AN ACT to amend an act entitled "An act to incorporate the City of Racine, in the County of Racine," approved August 8, 1848, and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to charter, providing for arrest, &c., for disorderly conduct.

SECTION 1. It shall be the duty of the marshal and all deputy marshals of the city of Racine, and they are hereby authorized and required, to summarily arrest and take before any justice of the peace of said city, any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or of any breach of the peace, by making any improper noise or disturbance, or by firing guns, or fighting, or threatening to fight, or in any other manner, or who

the said complaint, and to be dealt with according to law.

Given under my hand, this —— day of ——— A. D., eighteen hundred and fifty——.

E. F., *Justice of the Peace.*

Where justice has not final jurisdiction, &c.

SEC. 6. All of the general provisions of law, concerning the trial of criminal offences, the fees of officers and proceedings in which upon the trial, the justice finds he has not final jurisdiction of the cause, shall govern trials under this act, unless otherwise provided in this act; *Provided*, That in all convictions under this act where a punishment for the offence is prescribed in the general statutes of this State, or in any Ordinance of said city, the penalty so prescribed by such statutes, or ordinances, shall be imposed upon the person so convicted; the city attorney, or such other person as the city council may designate, shall appear on behalf of the city in all suits or proceedings under this act, or in any other suit in which the city is interested.

Classification of aldermen.

SEC. 7. The city council shall by resolution prescribe the time and manner in which the aldermen of the several wards shall be divided into classes, as contemplated by section one, of an act entitled, "an act to incorporate the city of Racine, and other acts amendatory to the same," approved March 21, 1856, which classification shall be made at some meeting of the city council before the first Tuesday in April next, and shall be recorded in the office of the city clerk.

Tax list of 1856 declared valid, &c.

SEC. 8. The tax lists of said city for the taxes of 1856, and all taxes levied or assessed upon any property in said city in that year, whether general or special, are hereby declared valid and legal, to all intents and purposes, notwithstanding any informality or irregularity on the part of any assessor or any other officer or person, in making an assessment roll, or in returning the same, or in his certificate thereto, or in neglecting to do any act or thing required by law, to be done by such officer or person, and said taxes are hereby declared to be as valid and binding upon the persons and property against whom they are assessed, as they would have been had each and every provision of law relating to levying and assessing the same, been fully complied with.

Lots shall bear expense of im-

SEC. 9. Each lot and piece of land in said city, shall bear the whole expense of making, altering or repairing

the sidewalk or street gutter, and, also of grading, paving and otherwise improving the street, to the centre thereof, immediately adjoining such lot. provements in front of same.

Laying out and opening Streets, Alleys, &c.

SEC. 10. The city council shall have power to lay out, widen, enlarge and open, public grounds, squares, streets and alleys in the manner following: Whenever ten or more freeholders resident in any ward, shall petition the city council to lay out a street, alley, or public ground or square in such ward, and shall specify in said petition with reasonable certainty, the metes and bounds of the lands necessary to be taken for the purposes mentioned in such petition, and the names and residences of the owners of such lands, as far as the same can be ascertained, and shall accompany said petition with a plat of such proposed street, alley, public ground or square, the city council may (if it appear to such council that the public good will be promoted by granting such petition,) by resolution direct the city attorney, or such other person as may be designated in said resolution, to apply to the judge of Racine county court; and in case the said judge shall be interested in the land proposed to be taken for such improvement, or in case of his absence or other disability to act, then to the judge of the circuit court, or to a court commissioner for said county for the appointment of a jury, to ascertain the necessity for such proposed improvement, and for taking therefor the lands described in such petition; such resolution shall also direct the time and place where such application will be made, and shall be published in the official paper of said city for three weeks, at least once in each week before such application shall be made. Relating to laying out streets, public grounds, &c.

SEC. 11. Upon presentation of such application, and proof, of due publication of such resolution, at the time and place appointed therein for that purpose, the said judge or commissioner, as the case may be, shall appoint twelve reputable and disinterested freeholders, residents of said city, but not of the ward wherein the lands poposed to be taken by such improvement are situated, who shall be a jury to ascertain and establish the necessity for such improvement, and for taking therefor the lands specified in such petition. The said judge, or commissioner, shall thereupon issue his pre- Appointment of jury to decide on taking land.

cept, directed to the marshal of said city, or his deputy, requiring him to summon said jurors to meet at a time and place to be specified in said precept, (to be not more than ten days from the date thereof,) to view the lands so proposed to be taken, and to decide upon the necessity of such proposed improvement, and for taking such lands therefor, and to make due return of their verdict to the city council within ten days from the time so appointed for such meeting; said precept shall be served by the marshal, or his deputy, on each of said jurors, by reading the same to him, at least two days before the time appointed for such meeting.

To make return.

In case of refusal to serve.

SEC. 12. In case any of said jurors shall fail to attend at the time and place appointed, in said precept, the said judge or commissioner may, upon verbal application made by the marshal or his deputy, appoint other jurors who are duly qualified as hereinbefore specified, in place of those so failing to attend, which appointment shall be annexed to, or endorsed upon such precept. When such jurors are all present, they shall be sworn by said judge or commissioner, or some other person authorized to administer oaths faithfully and honestly to discharge the duties required of them by such precept, and the officer administering said oath shall certify the fact, which certificate shall be endorsed upon, or, annexed to such precept.

Oath of jurors. Return of verdict.

SEC. 13. After the jury are sworn, they shall proceed to examine the lands proposed to be taken and to inquire into the necessity for the proposed improvement and for taking said lands therefor, and shall return their verdict in writing signed by each juror, to the marshal or his deputy, who shall immediately deliver the same together with said precept, and all the papers relating to such proceeding, to the city clerk to be filed in his office, and such proceedings shall be laid before the next meeting of the council by said clerk.

If deemed necessary the city shall make such improvements.

SEC. 14. If the verdict of the jury shall be, that the proposed improvement is necessary, and that it is necessary to take therefor the lands specified in the petition, or any part thereof, then the city council may proceed to lay out, widen or enlarge such street, alley, public ground or square, (as the case may be), and open the same, and cause the damages and benefits to be assessed, collected and paid in the manner prescribed by the several acts to which this act is amendatory.

Fees.

SEC. 15. The county judge or commissioner, shall receive three dollars; the marshal or his deputy, five dollars; and each juror, one dollar, per day, for all services rendered by them, respectively, on each proceeding relating to laying out, widening and enlarging streets, alleys, public grounds or squares, under this act.

City supervisors.

SEC. 16. At each election of city officers in said city, there shall be elected one supervisor in each ward of said city, who shall be a member of the county board of supervisors; *Provided*, That the representation of said city in said county board, including the mayor of said city, shall not exceed five members.

Proviso.

Council to establish dock lines, &c.

SEC. 17. The common council shall have power to establish dock lines on Rock river, in said city, and to build docks thereon, and to cause the necessary fillings, excavations and labor to be done to make the docks on either side of said river correspond with the lines so established, and each lot shall bear the expense of all such work done upon it, and of building any dock adjoining to such lot. The expenses which each lot shall become liable to pay pursuant to this section, shall be a lien upon such lot—and the city council shall cause the same to be assessed against said lot in the next tax list after the same shall have accrued. Nothing in this section contained shall be construed to authorize the city council so to establish said dock lines as to interfere with, or restrict the facilities for the navigation of said river.

Expenses a lien upon lots.

Repealing clause.

SEC. 18. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 19. This act shall be a public act, and shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 252.

An Act to amend an act entitled "An act to incorporate the City of Sheboygan," approved March 19, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to charter.

Council may appoint school commissioners

SECTION 1. The common council of said city shall appoint a board of school commissioners, to consist of three of the qualified electors of said city, and the office of superintendent of schools and the school district offices of director, treasurer, and clerk are hereby abolished; and said school commissioners shall hold their offices one, two, and three years, respectively, as shall be designated at the time of their appointment, and shall take and subscribe the usual oath of office, and give bonds with sureties in such sums as the common council shall from time to time direct.

School commissioners—their compensation and duties.

SEC. 2. The board of school commissioners shall receive a compensation, to be fixed by the common council, and shall have and exercise the same powers and perform the same duties as have heretofore been performed by the superintendent of schools, and in addition thereto shall have power, subject to the approval of the common council: First. To erect, hire or purchase buildings suitable for school houses, and keep the same in repair. Second. To buy or lease school houses, with the necessary grounds. Third. To furnish the same with necessary fixtures, furniture and apparatus. Fourth. To establish, support and maintain public schools in said city of such grades as the wants of the pupils in the city may demand. Fifth. To fix the rate of compensation to be allowed to teachers. Sixth. To prescribe the school books to be used and studies to be taught in the different schools. Seventh. And generally to have and possess all the rights, powers and authority necessary for the proper management of schools in said city, and the said school district officers of clerk, treasurer and director, who are superceded by this act, shall deliver to their successors in office, to be appointed in conformity with this act, all moneys, books, papers or other things in their possession by virtue of their office.

Shall not appropriate beyond a certain amount, &c.

SEC. 3. The preceding section shall not be construed so as to authorize the board of school commissioners to do any act which will require an appropriation of money exceeding one hundred dollars (except making contracts with teachers) without having first applied to the common council for authority to do such act, nor then, unless such authority be granted by the common council; and all contracts, express or implied, entered into by said board of school commissioners contrary to the provisions of this section, shall be absolutely void.

Semi-annual report to council.

SEC. 4. It shall be the duty of said board of school commissioners, semi-annually, to report to the common council the condition of the several schools in said city, and the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting said schools for the preceding six months, specifying the items, together with such other matters as the common council shall require.

To visit schools

SEC. 5. It shall be the duty of the board of school commissioners, or a majority of them, to visit every public school in said city, at least once in every two months.

Council may appoint a comptroller.

SEC. 6. The common council may appoint a financial officer, to be known and designated as the comptroller of said city, with such powers and duties as may be prescribed by an ordinance passed by the council for that purpose.

Certificates.

SEC. 7. Certificates of the sale of lands or lots for the non-payment of taxes or assessments and charges, hereafter to be issued by the city of Sheboygan under the act to which this act is amendatory, shall be in the following or equivalent form:

STATE OF WISCONSIN, }
Sheboygan City and County, } ss.

Form.

I, —— ——, treasurer of the city of Sheboygan, in said State, do hereby certify that on this —— day of ——, A. D. 18—, I sold at public auction, pursuant to law, [here describe the land sold.] unto ——— for the sum of ——— dollars and ——— cents, being the amount due for city taxes, assessments and charges on said ——. This certificate bears interest at the rate of twenty-five per centum per annum, and if the land so sold is not redeemed according to law, the owner of this certificate will be entitled to a conveyance of so much

of said land or lot as shall remain unredeemed at the end of two years from the date hereof.

This certificate is transferable by endorsement.

——— ———,

City Treasurer.

Deeds. SEC. 8. Deeds to be executed by the treasurer of the city of Sheboygan, on account of sale of lands or lots for taxes or assessments and charges under the act to which this act is amendatory, shall be signed by the treasurer of said city, sealed with the corporate seal of said city, and shall be in the following or equivalent form:

Form of deed. To all to whom these presents shall come, Greeting: Whereas A. B. has deposited in the office of the treasurer of the city of Sheboygan, in the State of Wisconsin, [naming the number] certificates, whereof he is the legal owner, issued by C. D., who at the date thereof was treasurer of said city, whereby it appears that the following described land, or lots, situated in said city, was sold on the —— day of ——, A. D. 18—, for the non-payment of taxes, assessments and charges due thereon at the date of said sales at public auction by the said C. D., treasurer as aforesaid, at his office in said city, to the person [or persons, or to the said city] and for the sum [or sums] hereinafter named, to wit: lot —, in block —, [or describe the lands as the case may be,] to A. B., or the city of Sheboygan, for the sum of —— dollars and —— cents, which sum [or several sums] was [or were] the amount of taxes, assessments and charges due at the date of such sale on the land or lots [respectively] aforesaid, [or in case less than the whole land taxed was sold, name the land taxed or assessed for which tax or assessment the sale was made.]

And Whereas it further appears that said land, or lots, is [or are] now unredeemed from such sale, [excepting such portion as may have been redeemed,] whereby the same has [or have] become forfeited, and according to law the owner of said certificate or certificates is entitled to a conveyance thereof;

Now, therefore, know all men by these presents, that the said city of Sheboygan and State of Wisconsin, in consideration of the said sum [or sums] of money, and of the premises, do give, grant, and convey the land or lots above described, and remaining unredeemed a

aforesaid, together with all the hereditaments and appurtenances to the said A. B. and to his heirs and assigns, to their sole use and benefit forever. In testimony whereof, I, G. H., the treasurer of said city, have executed this deed, pursuant to and in virtue of the authority in me vested by law, and I have, in behalf of the said State, and of the said city, hereunto subscribed my name officially, and caused to be affixed the seal of said city, on this —— day of ——, in the year eighteen hundred and ——, at Sheboygan aforesaid.

——— ———,
Treasurer of the City of Sheboygan.

Done in presence of
——— ———,
——— ———.

STATE OF WISCONSIN, }
Sheboygan County. } ss.

On this —— day of ——, A. D. 18—, before me personally appeared the above named H. G., and acknowledged that he, as the treasurer of the city of Sheboygan, in said State, executed the foregoing instrument, as the deed of the said city, and of the said State, for the uses and purposes therein set forth.

Deeds—prima facie evidence, &c.

SEC. 9. Every deed made substantially according to the above, or an equivalent form, and executed as above directed, shall be *prima facie* evidence of the regularity and correctness of all the proceedings upon which its validity may depend, and that the title to the lands which such deed purports to convey, is vested in the grantee therein named, his heirs or assigns, and no other proof of title shall be required of any person claiming title under such a deed, than the production of such deed, and (if he be not the grantee therein named) of the proper evidence that he claims through such grantee.

No action maintained for recovery after three years.

SEC. 10. No action shall be maintained for the recovery of any land or lots which such deed may purport to convey, by any person claiming adversely to such deed, after the expiration of three years from the date of recording such deed, except in cases where the taxes or assessments and charges for which such land is alleged to have been sold, shall have been paid, or the land redeemed, as provided by law, or when such land

Proviso.

was not subject to taxation; *Provided*, That this section be not construed to apply to actions brought by the holders of a title acquired through subsequent sales for non-payment of taxes.

Future laws—how construed

SEC. 11. No law hereafter enacted shall be construed to repeal, modify, or affect any of the provisions of this act unless such purpose be expressly declared therein.

Salary of treasurer.

SEC. 12. The salary of the treasurer of the city of Sheboygan shall be fixed by the common council of said city, but shall not exceed the sum of four hundred dollars in any one year; and each and every treasurer of the city aforesaid, is hereby authorized and empowered to appoint under his hand some suitable person as deputy, for whose acts and doings such treasurer and his sureties shall be liable in his official bond; which said appointment shall be filed in the office of the city clerk of said city, and may be revoked in writing at any time by said treasurer; and in case of the absence or inability of said treasurer to perform the duties of his said office, said deputy may perform all the duties appertaining to said office.

Deputy treasurer.

Street commissioners, certificates, &c

SEC. 13. Whenever any street commissioners' certificates issued against any lots or land in said city for work done in grading any of the streets or alleys, or for the abatement of any nuisance as provided in chapter seven of the act to which this is amendatory, and the same shall have been entered on the tax roll by the city clerk in accordance with said city charter, it shall not be lawful for the city treasurer to receive any portion of the taxes assessed against said lots or land unless the whole tax including said certificates shall be paid.

Repealing clause.

SEC. 14. Section seven (7) of chapter five (5,) and section twelve (12) of chapter seven (7,) of the act to which this act is amendatory, is hereby repealed.

Tax.

SEC. 15. There may be levied annually by the common council of said city, a tax not exceeding two per cent. in any one year on the real estate within the city limits, for ward purposes; and a further tax not exceeding two and one half per cent. in any one year on all the taxable property within said city limits for the purpose of establishing a sinking fund for the payment of any bonds issued by said city or village of Sheboygan, for the purpose of constructing a harbor at the mouth of Sheboygan river, within the limits of the city of Sheboygan.

SEC. 16. There shall be elected by the qualified electors of said city of Sheboygan at the annual election of city officers, to-wit: on the first Tuesday in April in the year 1857, three commissioners to be known and designated as railroad and harbor commissioners for the city of Sheboygan; whose powers, duties and term of office shall be as hereinafter designated. At the first meeting of said commissioners after their election, (which shall be on the second Tuesday in April, one week after their election); they shall before transacting any other business choose one of their number president, and elect a secretary; after which they shall ballot for their respective terms of office as commissioners as follows: the president shall cause to be prepared three pieces of paper of as nearly the same size as may be, upon one of which shall be written "one year," and upon another "two years," and on the third "three years;" the said pieces of paper shall be folded as near alike as may be, and placed in a box and well shaken. Each of the said commissioners, (or in the absence of any one the secretary in his name,) shall draw from the said box one of the pieces of paper, and the secretary shall make a record of said drawing, noting the term drawn by each commissioner, and the said commissioners shall hold their offices respectively, one, two, and three years, as said ballots so drawn shall designate, and until their successors are elected and qualified. The secretary shall at once file in the office of city clerk of said city a copy of all proceedings had under this section; and there shall be elected annually thereafter, at the time of electing other city officers, one railroad and harbor commissioner, who shall hold his office three years from the time of his election and qualification. Election of railroad and harbor commissioners, &c

SEC. 17. The commissioners elected in pursuance of this act, shall give a bond with two sureties, in such penal sum as the common council shall direct, for the faithful performance of their duties, and shall receive for their services such sums as the common council may direct, but said compensation, including the services of a secretary, shall not exceed in any one year, the sum of one hundred dollars; and said commissioners, when so elected and qualified, shall be subject to the same restrictions, and perform all the duties now performed, or required to be performed by the com- Bond of commissioners.

Compensation and duties.

newspaper printed in the county of Oconto; or should no newspaper be printed in said county of Oconto, then and in that case, in some newspaper printed in an adjoining county, and shall require ten dollars on each share of stock subscribed, to be paid at the time of subscribing; as soon as one hundred shares of the capital stock of said company shall be subscribed, and ten dollars on each share actually paid, the said directors shall close the books of subscription, until after the election of directors by the stockholders; and they shall immediately give notice for an election by the stockholders of seven directors, at some time and place to be designated by them, which notice shall be published in some newspaper printed in the county of Oconto, or should no newspaper be printed in the county of Oconto, then and in that case, in some newspaper printed in an adjoining county, at least twenty days prior to the time so designated for such election, and the directors thus elected, shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Affairs to be managed by a board of directors—their election powers and duties.

SEC. 4. All the affairs of said corporation shall be managed by a board of seven directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation; they shall be chosen by the stockholders, annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe; and the same notice of every such election shall be given, as is hereby required to be given of the first election of directors, and the number of directors to be elected, shall be specified in the notice of election; and the directors may at any time, increase or diminish the number to be elected at any annual election, so that the number shall not be more than fifteen, nor less than five. At all meetings of the stockholders, the votes of the stockholders may be cast in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for every share of stock held by him, and in all elections for directors, those stockholders equal to the number of directors, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws or by resolution of the company. If for any

cause an election of directors should not be had at the time when, by the provisions of this act, it should be held, the same may be held at any other time, on notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchises or immunities, by reason of irregularity or want of such election.

Quorum and meetings.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall prescribe; they may fill any vacancy which may occur in their own board; they shall appoint one of their own number to be president, and one vice president, who shall serve one year, or until a new election of directors. The president, when present, shall preside at all meetings of the directors and stockholders, and in case of his absence, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president, *pro tem*, who shall discharge the duties of president during the absence of the president and vice president. The board of directors may appoint a secretary, treasurer, chief engineer, superintendent, attorney, and such other officers and agents as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books, under their own direction or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of the first and all other installments, to be paid from time to time, on stock subscriptions, and to forfeit to the use of the company, or to sell the share or shares of any person failing to pay any installment, and all previous payments thereon; they may receive, take and hold, in payment for the stock of said company, any land or other estate, either real, personal or mixed; and they may convey in fee simple, or any less estate, in any real estate so received, taken or held, and in any and all other estate, of which they may be seized, or which they may occupy or possess, and they

President—duty.

Other officers.

Power to re-open books, &c.

may also mortgage or pledge any of their estate, real, personal or mixed, in such manner and on such terms as the directors may think proper. The directors shall have power to establish and regulate their tolls and charges, for the transportation of freight and passengers, and the storage of freight, and to collect all such tolls and charges, and to make such covenants, contracts or agreements, with any person or persons, copartnership or corporation whatever, as the construction and management of the road and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company, for the leasing or purchase of the whole or any part of any railroad constructed, or to be constructed, by such railroad company, and to lease or sell to any other railroad company, the whole or any part of the railroad of this company, and to consolidate the capital stock of this company with the capital stock of any other railroad company in this State, on such terms as shall be agreed upon by the directors of such companies, respectively, and mutual powers in this behalf, are hereby conferred on all such companies. The directors shall have power and authority to make and establish such by-laws as they may think proper, respecting the property, concerns, officers, business, stock, government and powers of said corporation, and may exercise all the powers, which may be prescribed by such by-laws, and may make such other rules and regulations, and orders, as they may think proper, but no such by-laws, rules, regulations or orders, shall be inconsistent with this act, or with the constitution and laws of this State; and they shall have power in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Establish and regulate tolls.

May lease or consolidate road with any other company

By-laws, &c.

Stock deemed personal property.

SEC. 6. All shares of stock in said company, owned by any person, shall be deemed personal property; and certificates for the same shall be issued in such manner and form as shall be prescribed by the by-laws, and the same shall be transferable in the manner and form provided by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth of the capital stock, on like

notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Location, transportation, and storage.

SEC. 8. The said company shall have power to locate and construct, and perpetually to have, use and enjoy a railroad, with one or more railways or tracks, from the falls of the Oconto river to the mouth of said Oconto river, or to the best location on Green Bay, in towns 27 or 28 north, range 21 east, as the directors shall determine; and the said company shall have the perpetual right, power and authority to transport, take and carry property and persons upon the said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and from time to time to receive and store away any of the property in any of the depots, storehouses or warehouses of said company; and to make and construct all such turn-outs, side tracks and connecting tracks, as they shall think will promote the interest of said company, and to erect, construct and use all such depots, station houses and warehouses, car houses and shops, engine houses and shops, and all other fixtures necessary for the accommodation of said company and its road and those using it; to manufacture or purchase and own rails, chairs, spikes, engines, tenders, cars, and all things necessary and useful for the construction and operation of a railroad; and they shall have power to connect the said railroad with any other railroad in this State coming in contact therewith, and to operate the same in connection with such other railroad by a consolidation of the stock of this railroad with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

Construction of tracks, buildings, &c.

May borrow money and execute bonds, &c.

SEC. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, or for any rate of interest which may be agreed upon by and between said company, and any party of whom such money may be obtained, and to make, execute and deliver, in or out of this State, all necessary writings, notes, bonds, mortgages, and other papers and securities in amount or kind, as may be deemed expedient by said corporation, in consideration of such loan, or in discharge of any liabilities they may incur in the

construction, repair, equipment or running of said road, or in any of the operations of said company authorized by this act; and the said company is hereby authorized, in its corporate capacity, to make, execute, issue and deliver its bonds or obligations, in such an amount that all the bonds of said company, outstanding at any one time, will not exceed the capital stock of said company; and the directors of said company are hereby authorized and empowered to prescribe, by resolution to be by them adopted, the sum or sums for which each of said bonds shall be issued; the time or times, and place or places, when and where the principal and interest of the same shall be payable: the person or persons, trustee or corporation to whom they shall be payable, or whether payable to order or bearer, or how otherwise negotiable; the rate of interest which such bonds shall bear, and the manner and form in which they and the interest coupons annexed to them shall be executed. And to secure the payment of any or all of said bonds, the said company is hereby authorized and empowered, in its corporate capacity, to make, execute, and deliver a mortgage or deed of trust upon the whole or any part of its railroad, constructed or authorized to be constructed, or of any or all of its estate, real, personal, or mixed, in possession or expectancy, and the said company is hereby authorized and empowered in and by such mortgage or deed of trust, to confor upon the trustee or mortgagee, full and ample powers to enter into or upon, and to take possession of, have, use and employ, or to sell and dispose of the whole or any part of said railroad or estate, real, personal or mixed, together with the functions appertaining to said railroad, and all corporate and other franchises, rights and privileges of the said railroad company. And the directors of said company are hereby authorized and empowered to prescribe [by resolution] to be by them adopted, all matters relating to the forms and terms of any such mortgage or deed of trust, and of its execution and delivery; and they are authorized and empowered to provide for the periodical payment to such trustee or receiver, as they shall appoint, a certain sum to create a sinking fund, with which to pay off and discharge at or before maturity any or all of the bonds by them authorized to be issued, and also to provide the manner which such trustee or receiver

To prescribe the amount of bonds, when payable, &c.

May mortgage road to secure payment of bonds.

Sinking fund

shall pay out or dispose of such sinking fund, and to authorize him to designate by lot, or in any other suitable manner, the bond or bonds, to the payment of which said sinking fund, or any part of it shall be applied. And the said railroad company is hereby fully authorized and empowered by its agents or brokers, or otherwise, either in or out of this state, to sell, loan, pledge, hypothecate or otherwise dispose of, any or all of the aforesaid bonds hereby authorized to be issued at par, or at any price less than par, and for such sum or sums, and on such terms, as to the said company or its agents or brokers shall appear most for the interests of said company. And the said company and its directors, officers and agents, are hereby authorized and empowered to have, exercise and enjoy all the rights, privileges and powers conferred upon them respectively by this section, any law of this or any other State to the contrary notwithstanding.

Disposal of bonds.

SEC. 10. The said company shall have the right and authority to construct their said railroad, upon, along and across, under or over, any public or private highway, road, street, plankroad or railroad, if the same shall be necessary, but the said company shall restore such highway, road, street, plankroad or railroad, to its former state, so as not to impair the usefulness of the same, to the owner or the public; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same, as they may locate the said road, with all necessary abutments, piers or other necessary foundations.

May construct road over any highway, &c.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of surveying, locating and determining the route of said railroad; and when the route of said railroad shall be determined by said company, by resolution adopted by the board of directors, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take, possess, occupy and use any land along and including the line of said route, not exceeding one hundred feet in width; and it shall also be lawful for said company, at any time, to enter upon, take, possess, occupy and use, any other lands beyond said limit of

May enter on any land for certain purposes.

one hundred feet, which the chief engineer of said company, shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which said lands are located, certify and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses, freight houses, warehouses, engine houses, machine shops, or for buildings or fixtures of any kind, or grounds about the same, for the convenient operation of the business of the road, or for making drains or giving proper direction to water courses, or of diverting or changing the channel of water courses, or for the purpose of removing such substances or things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel or stone, or other materials, for embankments, structures and superstructures necessary to the construction, repair or renewal of said road; *Provided*, That said company shall be liable for all damages done to property by reason of such surveys, explorations or work as above specified. The said company shall, however, at such time and in such manner as is provided by this act, be liable to pay the full value of all land so taken, possessed, occupied and used, which value shall be ascertained in the manner hereinafter provided, and whenever the same shall have been paid, tendered or deposited, as provided in this act, the title in any and all such lands, shall become vested in said company, for the purpose of said railroad, and whenever the company shall deem that the same or any part thereof, shall no longer be necessary for the purposes for which the same were taken, the said company is authorized to lease or sell the same or any part thereof.

Proviso.

The company shall compensate for land taken.

SEC. 12. The said company may, after the route of the said railroad shall be located and determined, offer, by its agent, to pay to the owner or owners of any land which by the provisions of this act the said company is authorized to enter upon, take, possess, occupy or use, or to any person claiming any interest in such land, or if any such owner or owners claiming any interest in such lands shall be a minor, *non compos mentis*, insane, or a married woman, or under any legal disability, then to the guardian of such minor, *non*

compos mentis or insane person, or husband of such married woman, such sums for said lands as the company shall consider to be the full value of the same, and if such owner or claimant, guardian or husband, shall not accept of such offer, or if, for any reason, the said company shall fail to agree with the owner or owners claiming any interest in such land, then and in all such cases in which the said company shall enter upon, possess, occupy, or use any lands as aforesaid, for the purposes aforesaid, the value of said lands shall be ascertained and determined as follows, to wit: The said company shall apply to the judge of the county court for the county of Oconto for the appointment of three commissioners to make an appraisement and award of the value of the lands, to be paid by said company to the owner or person claiming an interest in each of the several pieces and parcels, on the whole or any part of the line of said railroad so entered upon, taken, possessed, occupied or used as aforesaid. The said company shall give notice of their application for the appointment of such commissioners, by publishing the same at least ten days before the time for hearing the said application, in a newspaper printed in the county of Oconto, and should there be no newspaper printed in the said county of Oconto, then in a newspaper published in an adjoining county, and upon proof of the publication of the notice, the judge to whom the application shall be made shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, and whenever it shall appear to the said company or its officers that the title to any such land is in dispute, or that several parties claim interest therein, by tax sales, tax titles, incumbrances, liens, or equitable claims, the said commissioners shall, upon request of said company or its officers, give notice to all persons claiming any interest in such land, whether as owner, incumbrances, or otherwise, and when the person to be notified has no known residence in this State, the notice may be by publication in a newspaper for such length of time, not less than three weeks, as the commissioners shall deem reasonable; and having first determined that it was necessary to take such land, shall make an appraisement and award of the value of the land so entered upon, taken, possessed, occupied or used by said

When company cannot agree with owners as to compensation to ascertain the same by commissioners.

Commissioners to make award.

company for any of the purposes aforesaid, and shall deliver one copy of their award to said company, and shall file another in the office of the clerk of the circuit court of the county in which such lands shall be, with the cost of the award taxed upon each of said copies,

Appeal.

and if neither party shall appeal from said award in the manner hereinafter provided, the said circuit court, on motion of the party in whose favor any award shall be made for such value as aforesaid, shall, unless such award shall have been previously paid, enter up judgment in conformity with such award; and the said company, or any party so receiving notice from the said commissioners as aforesaid, may, within thirty days after such award shall have been filed with the clerk as aforesaid, appeal from the same to the circuit court for the county in which such lands shall *lie*, by filing with the clerk of said court a written notice of such appeal, and upon receiving such notice the clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners and person or persons claiming any interest in such lands, embracing all persons so having received such notice from the said commissioners, as plaintiffs, and the said company as defendant, and the said court shall proceed to hear and determine said case in the same manner that other cases shall be heard and determined in said court, and all issues of fact arising therein shall be tried

Trial by jury.

by a jury, unless a jury be expressly waived by both parties; but the appellant shall not be entitled to have the case tried at any term of said court, unless he shall have given notice to the appellee or his attorney at least ten days before the first day of the term, that he will demand a trial at such term; but in case the appellee has no known residence or attorney in the State, no such notice need be given, but in all cases the appellee may waive such notice, in which case the same rules for trial shall be applicable to it as to other cases

Court to assess the value.

in said court. After the hearing of said case, the jury, or if a jury be waived, the court shall assess the value of the land so entered upon, taken, possessed, occupied, and used by said company, at the same time when the same was so entered upon and taken, and after such assessment the court shall proceed to render judgment against said company for the amount of such assessment, in favor of the plaintiff or plaintiffs in such case,

and if the amount so assessed in favor of such plaintiff or plaintiffs shall exceed the amount awarded by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, when the appeal has been taken by the claimant, then judgment shall be rendered in favor of said company for costs and against said plaintiff or plaintiffs, and execution may issue accordingly. Either party in any such case, after notice of an appeal shall have been filed as aforesaid, shall, on motion to the court to which the appeal is taken, in or to the judge thereof in vacation, ten days notice of such motion having been given to the adverse party or his attorney, be entitled to a change of venue in such case to some other county in the State, on affidavit filed stating the belief of the affiant that a fair trial cannot otherwise be had. The change of venue shall be to the nearest county where a fair trial can be had; but a change of venue in any such case shall not be awarded more than once. The judgment of the circuit court in any such case may be reviewed on a writ of error as other cases at law. Whenever the commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, and whenever, in case of an appeal, a final judgment shall be rendered, it shall be the duty of the said company, and not before, to pay to the party entitled to the same the amount of such award or judgment, and in any case in which there shall be any lien, incumbrance, tax sale, tax title, or equitable claim to or upon the land or any part thereof, which is the subject matter of such award or judgment, or where more than one person shall be entitled to or shall set up any claim to the amount of such award or judgment, or any part of it, or where the person entitled to receive the same shall not have any known residence within this State, said company may deposit the amount of such award, where there has been no appeal, with the clerk of the circuit court with whom the award in the case shall have been filed, and in case of an appeal, and judgment thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered, and the money so deposited in either case, shall be paid over by order of the court to the proper person or per-

Change of venue.

Final judgment.

Money to be deposited with clerk of court in certain cases.

sons who shall be adjudged by said court to be entitled to receive the same; and whenever the amount of such award or judgment shall have been paid or tendered, or deposited as aforesaid, the title in such lands shall be and become vested in the said company for the purpose of said railroad, as against all persons so receiving notice from the said commissioners as aforesaid, and all such persons so having received such notice, shall be forever concluded from questioning such title so acquired by the said company; and the said company shall have full power and authority, after entering upon and taking such land, to have, hold, possess, occupy, use and enjoy the same, for any of the lawful purposes of the said company, from the time of such entry and taking until the proceedings contemplated by this act shall have been finally determined, and until said company shall, on demand, refuse to pay the value of said land so to be ascertained as aforesaid, and they shall not during such time, nor until such refusal, be disturbed in such possession, occupancy, use or enjoyment, by any proceedings either in law or equity.

Company shall have full power to hold land &c.

When to charge for transportation.

SEC. 14. On the completion of said railroad, or any part of it, not less than two miles in length, it shall and may be lawful for the company to demand and receive such sum or sums of money for the transportation of persons or property and the storage of property, as they shall from time to time think reasonable.

Punishment for injury to road, &c.

SEC. 15. If any person shall knowingly or willfully injure or destroy the railroad so to be constructed or any part of it or any buildings or fixtures appurtenant to the said road and belonging to said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending, shall each of them, for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor and be subject to indictment and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 16. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State, shall be received in evidence in all cases; and this act shall take effect and be in force from and after its passage. Public act.

SEC. 17. If the said company shall not commence the construction of said railroad within three years, and shall not complete the same within six years from the passage of this act, then the rights, privileges and franchises hereby granted to said company, shall be null and void and of no effect. When must commence and complete road.

Approved March 5, 1857.

Chapter 254.

An Act to incorporate the Fox Lake and Wisconsin River Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. William E. Smith, Benjamin Ferguson, Quartus H. Barron, John W. Davis, William H. Landor, George Jess and Nelson E. Allen, of Dodge county; George Knowles, of Columbia county; Luther Hanchett, of Portage county; Davis H. Waite and John Parker, of Marquette county; William J. Davis, of Eau Claire county; George W. Smith, of Waushara county; Moses M. Strong, of Milwaukee county, and I. T. Kingston, of Juneau county, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate by the name and style of the Fox Lake and Wisconsin River railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, Incorporators. Style. Corporate powers.

and alter, break, and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporations it shall lawfully appertain to do and perform.

Capital stock, opening books, &c.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper printed either at the Fox Lake or in either of the counties through which said road may pass, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing.

First directors —their powers and duties.

SEC. 3. The said individuals named in section one of this bill shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors, elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice in a newspaper aforesaid, of an election of eleven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Management of affairs.

SEC. 4. All of the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the power of the corporation. They shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such

time and place as the directors shall, from time to time prescribe; and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person, or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If, for any cause, an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid; and until such election be had, the directors of the preceding year shall continue to act; and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by reason of irregularity or want of such election. Elections.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders; and in case of his absence, the directors present may appoint a president *pro tem.* The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time Quorum. President and other officers. Re-open books

Forfeit of stock.

on such subscriptions, and to forfeit to the use of the company the share or shares of any person failing to pay any installments, as also all previous payments thereon; and also, in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder the amount paid by him, or any part of it.

Tolls.

The directors shall have power to regulate tolls and (charters) [charges] for the transportation of freight and passengers, and to make such covenants, contracts and agreements, with any person or persons, copartnership or corporation whatever, as the execution and management of the works, and the convenience (of the) [and] interests of the company may require;

To make contracts, lease road, make by-laws, &c.

to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad, constructed or to be constructed, by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution or laws of this State, as they shall think proper, for the well ordering of the affairs of the said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock deemed personal property.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by an order of the Board of Directors, or by stockholders holding one fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Location, construction, transportation, &c.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from any point which the directors shall designate, on the line of the La Crosse and Milwaukee railroad, in the town of Fox Lake, in the county of Dodge, to a point on the Wisconsin river, between towns eighteen (18) and twenty-two (22) inclusive; said company shall have power to transport, take and carry prop-

erty and persons upon said road by the power and force of steam, of animals, or any mechanical or other power or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station-houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other road in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

May manufacture engines, cars, &c., and consolidate with any other company.

SEC. 9. The said company (are) [is] hereby authorized and fully empowered, in its corporate capacity, to borrow any [sum or] sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver, in or out of the State all necessary writings, notes, bonds, mortgages or other papers and securities, in amount or kind as may deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that may incur in the construction, repair, equipment or running of said road, and to make, execute, sell and deliver, at private or public sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporations for the purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared

May borrow money and execute the necessary bonds, notes, &c.

Mortgage on road to secure same.

binding in law and equity upon said corporation, and upon all other parties to such contracts.

May construct road over any highway, railroad, &c.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same be necessary; but the said company shall restore such highway, road, street plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abuttments, piers or other foundations.

Authorized to enter on any land for certain purposes.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of and use any such land, not exceeding one hundred feet in width, along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him, and recorded in the office of register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same, for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water-courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankmens, structures, or super-

structures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Must compensate owners for land taken.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if such owner, or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian, or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any, in such county, such sum as the company deems reasonable; and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz.: The said company may apply to the judge of the circuit court for the sixth judicial circuit, either in term time or vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give no-

In case of disagreement as to compensation, commissioners to be appointed to determine same.

Application for appointment of commissioners and their duty.

tice of their application for the appointment of such commissioners by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian or husband, if resident of the county in which such lands shall lie; and having first determined that it was necessary to take said land, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, and another copy to such owner, guardian or husband, if resident of the county in which such lands shall lie, if not, shall deposit the same in the office of the clerk of the circuit court of such county, within thirty days of their appointment, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may (pay) within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, [and upon receiving such notice of appeal, it shall be the duty of the commissioners] to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant [and against said company for the amount of such compensation, and if the amount so found in favor of such claimant] shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for

Award.

May appeal to circuit court.

costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or incumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or equity; and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Judgment.

Title to lands, &c.

SEC. 13. No person shall be incompetent to be a witness, or give testimony in any suit or proceeding at law or in equity, in which the said railroad company shall be a party.

No person an incompetent witness.

SEC. 14. On the completion of said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

When to charge for transportation

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending, shall each of them, for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount

Punishment for damage to road.

of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Shall erect fences through enclosed grounds.

SEC. 16. Said company before opening the road through enclosed ground, shall erect such fences as shall preserve such enclosure entire; and shall before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed ground, and shall maintain the same.

First meeting of directors and stockholders.

SEC. 17. The first meeting of the directors, and of the stockholders of the said company, shall be called, by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind, or abolish, any one regulation or by-law, of said company.

When privileges cease.

SEC. 18. All rights, privileges and immunities, herein granted to said company, shall cease, and terminate at the expiration of five years from the passage of this act, unless said company shall have ten miles of said railroad in actual and active operation by that time.

Public act.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 255.

An Act to incorporate the Fond du Lac Mutual Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Benjamin F. Moore, James Ewen, John B. Wilbor, Edward Pier, Keyes A. Darling, and M. J. Thomas, and their associates, and all such persons as shall hereafter have property insured by the said company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Fond du Lac Mutual Insurance Company."

Style.

Powers.

SEC. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against losses by fire of any houses, stores or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance.

Persons insuring to be deemed members.

SEC. 3. Any person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that B. F. Moore, George McWilliams, N. P. Tallmadge, George W. Weikert, D. E. Hoskins, John B. Wilbor, James Ewen, J. A. Partridge, Robert A Baker, Major J. Thomas, Charles A. Eldridge, Keyes A. Darling and N. Boardman, shall be the first directors of said corporation, and shall continue in office for the period of one year, and until others shall be chosen, and no longer. The directors shall be elected on the

Management.

First directors.

Election of directors.

first Monday of January in each year, at such hour of the day at the city of Fond du Lac, in the county of Fond du Lac, and State of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed at Fond du Lac, at least thirty days preceding such election, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members then present, or their proxies, allowing one vote for every hundred dollars each member shall have insured in said company, and every member may vote in person or by proxy at his pleasure, at any election of directors of said company, and his membership shall be ascertained by the records and entries in the office of the secretary of said company, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

Directors to choose a president.

Vacancy.

SEC. 4. The directors hereinbefore named shall, as soon as may be, after the passing of this act, and the directors to be chosen at such anuual elections, shall, as soon as may be thereafter, proceed to choose out of their body one person to be president; and in case of the death, resignation or inability to serve of the president, or any directors of said corporation, such vacancy may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tem.*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

If no election corporation not dissolved. Policies binding.

SEC. 5. If it shall at any time happen that an election of directors shall not be made on any day, when pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Business may be conducted by committees

SEC. 6. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by said corporation, though not under seal, if sub-

scribed by the president, or in case of his absence, resignation, or inability to act, by such officer or officers, or person or persons as may be for that purpose authorized by the act of incorporation or by-laws of said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes, as if the seal of said corporation had been or was affixed thereto. And further, all such policies or contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

May sell or assign insurance policies with property on which issued.

SEC. 7. In case any person or persons insured, named in any policy, or contract of insurance, made by said corporation hereby created, shall sell, or convey or assign the property insured, during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her, or their own names; *Provided*, That before any loss happens, he, she, or they, shall obtain the consent in writing of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

Proviso.

May take real estate for security.

SEC. 8. It shall and may be lawful for said corporation to take and hold any real estate, *bona fide* mortgaged to the said corporation by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgage is, or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise receive and take any real estate in payment of, or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageous-

ly sell and convert the same into money or other personal property.

Directors indemnified.

SEC. 9. The said directors, and such others as may be chosen by the said corporation, shall be indemnified and saved harmless by the members of said corporation in proportion to the amounts of property that each and every member may have insured, at and after the rate of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance, and other lawful acts, deeds and transactions, done and performed in pursuance of this act, and neither of the said directors shall be answerable for or charged with the faults, neglects or misdeeds of others of them.

Assessment made on premium note given to be evidence in all courts.

SEC. 10. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

Misdemeanor.

SEC. 11. Any person who, as secretary, deputy secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorized by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary, deputy, or clerk, to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at any election of directors of said company, who shall falsely personate another, shall be guilty of a misdemeanor; and any person who shall falsely sign or affix the name of any person or member of this company, to an appointment of a proxy shall be guilty of a misdemeanor.

Punishment.

SEC. 12. Any person convicted of a misdemeanor for any offense under this act, shall be sentenced to imprisonment in the county jail, for a term not exceeding six months, or to pay a fine not exceeding fifty dollars, or to both, such fine and imprisonment at the discretion of the court before whom he or she may be convicted.

Power to appoint officers, &c.

SEC. 13. The president and directors of said corporation shall have power to appoint such officers and

agents as they may find necessary, prescribe their duties and require bonds for the faithful performance thereof, and may, from time to time, adopt such by-laws and regulations for the business of said company, as they may deem expedient—such by-laws and regulations not to be inconsistent with the constitution and laws of the United States, or of this State; and such by-laws shall determine as near as practicable, the rates of insurance on the different classes of property, and the sums to be deposited for any insurance.

Directors to take an oath.

SEC. 14. The directors, before they execute any of the duties of their office, except choosing president, shall severally take an oath or affirmation that they will faithfully, diligently, honestly and impartially perform the duties of their respective offices, according to the best of their abilities.

Business office

SEC. 15. The operation and business of the company chartered by this act, shall be carried on in the city of Fond du Lac, State of Wisconsin; and this act shall take effect from and after its passage. The legislature of this State may, at any time, alter, modify or repeal this act.

Approved March 5. 1857.

Chapter 256.

An Act to incorporate the Wisconsin State Trust Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. From the time this act shall take effect, Moses Kneeland, M. S. Scott, Herman Heartel, H. L. Palmer, Edward Button, Christian. Preusser, Edward O'Neil, Joshua Stark, Augustus Greulich, C. R. Alton, Charles Quentin, J. A. Helfenstein, and Herman Schwarturg, and such other persons as shall hereafter become stockholders in the company, hereby incorporated, shall be a body corporate and politic, by the name of the "Wisconsin State Trust Company."

Style.

Powers.

SEC. 2. The corporation hereby created, shall have power to sue and be sued, plead and be impleaded,

answer and be answered unto, defend and be defended, in any and all courts and places, and also to contract and be contracted with. Said corporation shall also
1st. have power; 1st, To receive moneys in trust, and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed upon, not exceeding in either
2d. case, at the rate of twelve per cent. per annum; 2d, To accept and execute all such trusts, of every description, as may be committed to it by any person or persons whomsoever, body or bodies whatsoever, or as may be transferred to it by order of any court of record of this State.

This corporation may be appointed guardian, &c.

SEC. 3. In all cases when an application shall be made to any court of this State, having jurisdiction for the appointment of a guardian to any infant, the annual income of whose estate shall equal or exceed the sum of one hundred dollars, the said court shall have power to appoint the said company guardian of the estate of such infant; and every court into which moneys may be paid by parties, or be brought by order or judgment, may, by order, direct the same to be deposited with the said company.

Interest to be allowed by said company.

SEC. 4. On any sum of money not less than one hundred dollars, which shall be collected or received by the said company, in its capacity of guardian, receiver or depository of moneys in court, an interest shall be allowed by the said company, of not less than at the rate of three per cent. annually, which interest shall continue until the moneys so received shall be duly expended or distributed.

Where income exceeds sum allowed, surplus goes to benefit of infant.

SEC. 5. Where the annual income of an infant, of whose estate the said company shall be guardian, shall exceed the sum allowed, or which may be sufficient for the education and support of such infant, such surplus income shall be accumulated by the said company, for the benefit of such infant, by adding interest on the whole as a new principal, and the interest so to be allowed in such accumulation, shall in no case be less than three per cent.

No bond or collateral security required.

SEC. 6. No bond or other collateral security shall be required from the said company, when appointed guardian, receiver or depository, but all investments of moneys received by the said company, in either of such characters, shall be at the sole risk of the said

corporation, and for all losses of such moneys, the capital stock, property and effects of said corporation shall be absolutely liable, and in the case of the dissolution of the said company, by the legislature or otherwise, the debts due from the company as guardian, receiver, or depository of moneys in court, shall have a preference.

Capital stock —how invested.

SEC. 7. The capital stock of the said company, shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The capital shall be invested in bonds, secured by mortgages on unincumbered real estate, within the State of Wisconsin, worth double the amount loaned thereon, or in stocks of the United States, or of this State, or in stocks or bonds of the incorporated cities of this State, authorized by law to be issued, and within two years after the said company commences business, at least one half of its capital shall be invested, and thereafter remain constantly invested in stocks, bonds and mortgages, as aforesaid.

Prior to commencing business, company to deposit with state treasurer security.

SEC. 8. After the sum of one hundred thousand dollars shall have been paid in and invested, and before the said corporation shall commence business, the trustees shall assign and transfer to the state treasurer, bonds and mortgages on unincumbered real estate within the State of Wisconsin, worth double the amount secured thereby; or shall transfer and assign to the state treasurer public stocks of the United States or of the State of Wisconsin or of some incorporated city [cities] of the State as aforesaid, to the amount of fifty thousand dollars, which bonds and mortgages or stocks shall be held by the said treasurer in trust as a security for the depositors and creditors of the said corporation, and subject to the sale and disposal of the said treasurer upon the order of some court of record having jurisdiction to make such order as hereinafter provided. Upon the assignment of the said bonds and mortgages and stocks, the said treasurer shall issue to the said corporation a certificate of such fact, upon the receipt of which the said corporation may commence business; and an equal amount of capital or money paid in on subscriptions of the capital stock of the said corporation, to be determined by the said treasurer, of such stock, bonds and mortgages shall at all times and from year to year, during the existence of the said corporation remain in

the possession of the said treasurer, until otherwise ordered by some court of record of this State having jurisdiction to make such order; the said treasurer shall pay over to the said company the interest which shall be received on the securities assigned or transferred to him by the said company, or he may authorize the said company to collect the same for its own benefit.

Trustees—their powers.

SEC. 9. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they shall appoint. This board of trustees shall consist of thirteen persons, all of whom must be citizens of this State, and stockholders in the company; and the first board of trustees shall consist of the first thirteen persons whose names are mentioned in the first section of this act, who shall possess the necessary qualifications, as above declared. They shall elect a president, annually, from their own body, and shall have power to declare, by a by-law, what number of trustees shall be a quorum for the transaction of business.

Election of trustees.

SEC. 10. The election of trustees shall be held annually at the office of the said company at such time as shall be prescribed in the by-laws, and shall be conducted under the supervision of three inspectors to be appointed by the board of directors for that purpose. The board shall give at least ten days previous notice of such election, in at least one daily paper published in the city of Milwaukee. If from any cause an election of directors should not be had at the time when by the provisions of this act, it should be had, the same may be held at any other time, on ten days notice, to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchises or immunties by reason of the irregularity or want of such election. Before any member shall enter upon the duties of his office as trustee, his election shall be approved by a justice of the supreme court, or by a circuit judge; and in case of disapproval of such justice or judge, the board of trustees shall fill the vacancy occasioned thereby, subject to approval as before.

In case of failure to hold election.

Elections to be by ballot.

SEC. 11. Every election for trustees shall be by "ballot," and a plurality of votes shall elect; and every shareholder shall be entitled to one vote for trustees for

every share of capital stock standing in his name, to be given by such shareholder, either in person or by proxy duly authorized.

Committee to open books.

SEC. 12. The corporators named in the first section shall appoint a committee of not less than three nor more than five of their own number, whose duty it shall be to open books for subscription to the capital stock, and who shall give at least ten days notice, in one daily paper published in the city of Milwaukee, of the time and place at which said books will be opened.

Payment on shares, &c.

SEC. 13. Every subscriber shall, at the time of subscription, pay to the committee receiving the same, the sum of ten dollars on each share by him subscribed; and after the shares shall have been distributed and alloted, each stockholder shall pay the whole amount then remaining due on the shares so held by him at such place and at such time or times as the trustees shall appoint, of which at least ten day's public notice shall be given in the same manner as is prescribed in the next preceding section; the shares of each stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon.

Certificates of stock assignable.

SEC. 14. The certificates of stock and of moneys received in trust, issued by the said corporation, shall be assignable on the books of said company, according to such regulations as the board of trustees shall establish; but no alteration or change shall be made, in the regulations so established, unless by an order of the supreme court, made on a petition of a majority of the trustees.

Investing money by trustees.

SEC. 15. The trustees shall have a discretionary power of investing the moneys received by them, in trust, in public stocks of the United States, or of any individual State, or in the bonds or stocks of any incorporated city in this State, or in such real or personal securities as they may deem proper; but the said company shall not hold stock in any private incorporated company beyond ten thousand dollars.

Limit of trust, deposit, loans, &c.

SEC. 16. The amount of money which the said corporation shall have in trust, in deposit or on loan, at any time, shall not exceed five millions of dollars; and the amount of its outstanding loans shall not at any time exceed six millions of dollars; but the said company may at any time receive in deposit and loan out any money which may be deposited with them by any

of the courts of this State, including probate courts, notwithstanding the limitation contained in this act.

Semi-annual statement to bank comptroller.

SEC. 17. The board of trustees shall exhibit, semi-annually, to the bank comptroller, a report of the condition of said company, and of its operations for the six months last preceding, which report shall be made on the same day that the several banks of this State are or may be required by law to make reports to said comptroller, and the provisions of the general banking law in relation to the semi-annual statements or reports of the several banks in this State, are hereby declared to apply to and be obligatory upon the said company hereby incorporated, so far as the same are or may be properly applicable thereto.

Proceedings, when any of the officers shall commit fraud.

SEC. 18. Whenever it shall be made to appear to the satisfaction of any circuit court of this State, that any officer, trustee, agent or servant of said corporation has been guilty of any fraud or misconduct, the said court may, upon proper notice to such person, and affording him an opportunity of being heard in defence, remove such person or persons, and make such further order and take such further measures for securing the funds and property of what kind soever of the said company as the said court shall deem expedient, and may make such further order as the condition and circumstances of the said corporation shall require, by appointing a receiver of said corporation, or otherwise causing the same to go into liquidation, and by ordering the said stocks and bonds and mortgages, assigned to and deposited with the State treasurer, to be sold, collected or enforced for the benefit of the depositors or creditors of said corporation. From any such order or direction of a circuit court as aforesaid, an appeal may be taken and prosecuted in the supreme court of this State upon the same terms, within the same time and in like manner as by law is or may be provided by law as to appeals from judgments or decisions in other cases.

When stockholders become responsible.

SEC. 19. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders thereof shall be individually responsible, equally and rateably, for the amount of such debt or liability, with interest, to the extent of their respective shares of stock in said corporation.

When trustees are responsible

SEC. 20. For all losses of money which the capital shall not be sufficient to satisfy, and which shall result

from the negligence or improper conduct of any officer of the said company, the trustees shall be liable in the same manner, and to the same extent, that trustees are now responsible in law or equity.

Books open to inspection.

SEC. 21. The books of the said corporation shall at all times during their hours of business be open for inspection and examination by the bank comptroller and such other person as he may designate as agent.

How act must be constructed.

SEC. 22. This act shall not be construed to confer on the said company any right or power to make any contract, or to accept or execute any trust whatever which it would not be lawful for an individual under the general laws or rules of law which are or shall be in force, to make, accept or execute.

May increase capital stock.

SEC. 23. The trustees shall have power to increase the capital stock of this corporation to an amount not exceeding in the whole two millions of dollars.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 257.

An Act to amend chapter 101 of Private and Local Laws of 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to straighten channel.

SECTION 1. Delos Davis, his associates and assigns, are hereby authorized and empowered to improve, enlarge and straighten the channel of Black Creek, in the county of Marquette, from the foot of the feeder or race now constructed from the Mecan River to the said Black Creek to the mouth of said creek.

Authorized to flow certain lands.

SEC. 2. The said Delos Davis, his associates and assigns, are hereby authorized to flow along said creek, from the east half of fractional section one, in township sixteen, north of range eleven east, upwards towards its source, and from the foot of said feeder to its head, not to exceed eight[y] acres of land. And if the owner or owners thereof shall claim damages for such over-

flow, and said owner or owners cannot agree with said Delos Davis, his associates and assigns, as to the amount of said damages, then the said damages shall be assessed and compensation thereof awarded as in section twelve, chapter seventy-eight of private and local laws of 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 258.

An Act to authorize David Humes to keep and maintain a Ferry across Lake Poygan, in the County of Winnebago.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to keep a ferry and location of same.

SECTION 1. David Humes, his heirs and assigns, shall have the exclusive right and privilege of keeping and maintaining a ferry across Lake Poygan, at any point or points west of the east line of section sixteen, (16,) township No. nineteen, (19,) of range No. fourteen, (14,) due north, across said lake, to the north shore thereof, westward of said line, in the county of Winnebago, and no other ferry shall be licensed on that part of said lake, at any other point or points thereof, where the ferry above provided for, shall be established.

Rates of toll.

SEC. 2. The following rates may be charged and received for crossing at said ferry; $1, for a span of horses and wagon; 75 cents for a horse and buggy; $1 for one yoke of oxen and wagon; 25 cents for a single horse; 50 cents for a man and horse; 6 cents per head for hogs or sheep in the drove; 10 cents per head for neat cattle in the drove; 50 cents for each footman, and all other rates not hereby specified, to be fixed by the board of supervisors of said county, when called upon at any of their regular sessions. Any future legislature may alter or repeal this act.

SEC. 3. This act shall be in force and take effect on and after its passage.

Approved March 5, 1857.

Chapter 259.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hiram Gilman, A. Rickard, Matthew Harrison, J. K. Cameron and George Strong, are hereby appointed commissioners to lay out and establish a State road from the city of Hudson, in St. Croix county, by the way of Fremont and Sun Prairie, to Bay city, in La Point county, upon the most direct and practicable route. Commissioners. Route.

SEC. 2. The said commissioners shall be entitled to receive for locating and surveying said road, such compensation for their services, from the counties through which said road passes, as the boards of supervisors of said counties shall deem just and reasonable; *Provided*, That no part of the expenses of laying out said road shall be paid out of the State treasury. Compensation. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 260.

An Act to provide for laying out a State Road from Mauston, in Juneau County, to Rich's Corners, in Adams County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Cotter, Thomas Rich, and George Williams, are hereby appointed commissioners to lay out and establish a State road, commencing at Mauston, in the county of Juneau, running east through the towns of Lemonweir and Wauceda, on the most practicable route to William's ferry, on the Wisconsin river, thence on the most practicable route to Rich's Corners, in Adams county. Commissioners. Route.

Compensation. SEC. 2. The said commissioners shall be entitled for laying out said road, such compensation as the board of supervisors of said counties may deem fit to allow; Proviso. *Provided*, That no compensation shall be allowed for laying out the said road over any route which shall have been previously laid, nor until they have fully complied with chapter 44, of the general laws of the year 1853.

SEC. 3. This act shall take effect from and after its passage and publication.

Approved March 5, 1857.

Chapter 261.

An Act to provide for the laying out of a State Road from Portage City, in the County of Columbia, to Mazo Manie in the County of Dane.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. Daniel White, W. G. Simons and Geo. Butler, are hereby appointed commissioners to lay out and establish a State road from Portage city, in the county of Columbia, by the way of Lodi, to Mazo Manie, in the county of Dane.

Route.

Compensation. SEC. 2. The said commissioner shall be allowed a just compensation for their services, to be paid by the counties through which said road passes; Provisos. *Provided*, That no compensation shall be paid for laying said road over any portion of the route where a road has been previously laid and established; *And provided further*, That the commissioners shall be entitled to no compensation for laying said road, unless they shall have fully complied with the provisions of chapter 44 of the general statutes of the year 1853.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 262.

An Act to divide the Taycheedah and Green Bay Plankroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Plankroad divided.

SECTION 1. The Taycheedah and Green Bay Plankroad is hereby divided, at the north line of the town of Stockbridge, in the county of Calumet.

Organization of new companies and style.

SEC. 2. New companies may be organized as hereinafter provided. The company to be organized representing and owning that part of the road lying north of said line of division, shall be known and designated as the Green Bay and Stockbridge Plankroad Company, and the company to be organized representing and owning the road lying south of said line of division shall be known and designated as the Taycheedah and Calumet Plankroad Company, and the capital stock of each company shall be fifty thousand dollars.

Powers of old company conferred in new companies, &c.

SEC. 3. The powers, rights, privileges and disabilities of the Taycheedah and Green Bay Plankroad [Company] are hereby conferred upon the said new companies to be organized under the provisions of this act, respectively, except that said privileges, powers and disabilities shall be limited to the line of road which each such new company shall own and control; the intention of this act being to give each such new company, so to be organized, the same rights, powers, and privileges, and to place them under the same disabilities that the Taychedah and Green Bay Plankroad Company had and were subject to by their act of incorporation, under which said company was organized over and upon the route or line of road which each company shall have upon such division; and the rights, powers and privileges and the disabilities conferred upon and imposed upon the Taycheedah and Green Bay Plankroad Company by their act of incorporation, are hereby conferred upon and imposed upon the said new companies respectively, to be organized under the provisions of this act, over and upon the route or line of road which each such new company shall have and own upon such division and new organization.

Representation of stock under division

SEC. 4. Owners of stock subscribed and paid for, south of the division line herein named, shall be represented in the Taycheedah and Calumet Plankroad Company, and the owners of stock subscribed and paid for, north of the division line herein named, shall be represented in the Green Bay and Stockbridge Plankroad Company. All stock now subscribed for, and not issued, south of said division line, shall, when paid for, be issued by and represented in said Taycheedah and Calumet Plankroad Company, and all stock now subscribed for, and not issued, north of said division line, when paid for, shall be issued by and represented in the Green Bay and Stockbridge Plankroad Company.

Commissioners to call meeting at Green Bay.

SEC. 5. Elisha Morrow, Thomas McCall, and D. Cooper Ayers are appointed commissioners to call a meeting of stockholders in that part of the Taycheedah and Green Bay Plankroad Company, according to the provisions of this act, who will by its provisions be entitled to own stock in the Green Bay and Stockbridge Plankroad Company, and they shall publish a notice for that purpose in a newspaper printed in Green Bay, for four weeks successively, next previous to the day named in such notice for the meeting of said stockholders.

Commissioners to call meeting at Fond du Lac.

SEC. 6. William P. Tallmadge, Henry C. Giltner, and Major J. Thomas are appointed commissioners to call a meeting of stockholders in that part of the Taycheedah and Green Bay Plankroad Company, according to the provisions of this act, who will by its provisions be entitled to own stock in the Taycheedah and Calumet Plankroad Company, and they shall publish a notice for that purpose in a newspaper printed in the city of Fond du Lac, for four weeks successively next previously to the day named in such notice for the meeting of said stockholders.

Act repealed, &c.

SEC. 7. Section eleven of an act entitled "An act to incorporate the Taycheedah and Green Bay Plankroad Company," approved April 16, 1852, is hereby repealed, so far as said section requires the said company to obtain authority from the supervisors of towns to construct their road along and upon the highways of towns through which said road may run.

SEC. 8. This act shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 263.

An Act to incorporate the Muscoda and Richland Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That James Moore, Charles G. Rodolph, Thomas Matthews, Benjamin M. Coates, Jonathan B. Moore, L. J. D. Parish, J. B. Galer, Charles K. Dean, and Joseph Roggy, and such other (parsons) [persons] as shall associate with them, and their assigns, be and they are hereby incorporated, by the name and style of the Muscoda and Richland Bridge Company, and by such name may sue and be sued, plead and be impleaded, in any court in this State, and may have a common seal and change the same at pleasure.

Style.

Commissioners to receive subscriptions to capital stock and opening of books.

SEC. 2. James Moore, Charles G. Rodolph, and Jonathan B. Moore, or any two of them, are hereby appointed commissioners to receive subscriptions to the capital stock, and shall open a book of subscription at the store of Jonathan B. Moore and Thomas R. Chesebro, in the village of Muscoda, Grant county, and at such other places as they may deem expedient, by giving at least one week's public notice in either of the public newspapers printed in Grant or Richland counties, on the first Monday of May, A. D. 1857, which book or books shall be kept open during the remainder of the week, unless a sufficient amount of stock should sooner be subscribed.

Capital stock.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of one hundred dollars each.

May construct a bridge.

SEC. 4. Said company shall have power to build and maintain a bridge across the Wisconsin river, from a point at or near the north end of Wisconsin avenue, in the village of Muscoda, Grant county.

Width of bridge, &c.

SEC. 5. Said bridge shall not be less than twenty feet wide, shall have a double track and a good and substantial railing on each side thereof, and shall be constructed at right angles with said river, and no span in said bridge shall be less than one hundred and fifty feet in length, and a draw of fifty feet over the main

channel of the river; and said company shall, during the season of navigation, faithfully attend said draw, so as not to delay the passage of boats or other craft through the same.

When bridge shall be commenced, &c.

SEC. 6. Said bridge shall be commenced within one year from the date of its charter, and be completed in three years.

Rates of toll.

SEC. 7. The said company shall have power, for the term of twenty years after the completion of the bridge, to demand and collect toll for passing the same, as follows: For man and horse, ten cents; For a foot passenger, three cents; For any vehicle drawn by one horse, fifteen cents; For any vehicle drawn by two horses or one yoke of oxen, twenty cents, and for each additional horse or ox, five cents; For single horse, seven cents; For horses in droves of less than ten, five cents each, and for each additional horse, three cents; For cattle in droves of less than thirty, three cents each, and for all over thirty, two cents each; and for droves of hogs or sheep less than ten, two cents each, and for all over ten, one cent each.

To keep rates of toll posted up.

SEC. 8. Said company shall keep posted up in some conspicuous place on said bridge a list of the rates of toll allowed by this act.

To make by-laws.

SEC. 9. Said company shall have power to make all by-laws necessary for the regulation of their corporate affairs, not repugnant to the laws of the United States and of this State, and the business of said company shall be managed by a board of five directors, stockholders, chosen annually on the first Saturday in May, one of (which) [whom] shall be designated as president, one as treasurer, and one as secretary; and at such election each stockholder shall be allowed one vote for each share of stock he or she may own; but if, from any cause, an election shall not be held at the time herein designated, the same may be held at any other time, to be specified by stockholders holding or representing a majority of the stock of said company.

Management and officers.

SEC. 10. This act shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 264.

An Act to incorporate the Village of Waupaca.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporate limits of village.

SECTION 1. The inhabitants of the district of country included within the following limits and boundaries, in the township No. 22 north, of range No. 12 east, being the south half of the south-east quarter of section No. nineteen (19), the south half of the south-west quarter of section number twenty (20), the north half of the north-west quarter of section number twenty-nine (29), and the north half of the north-east quarter of section number thirty (30), in the county of Waupaca and State of Wisconsin, are hereby created a body corporate and politic, by the name and style of the President and Trustees of the village of Waupaca, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

President and trustees—their powers.

Government of corporation.

SEC. 2. The government of the said corporation and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a president and six trustees, and such other officers as are hereinafter provided for.

Elective officers.

SEC. 3. The elective officers of said corporation shall be one president, six trustees, one marshal, one treasurer, and one assessor, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the first Monday of May in each and every year, and shall hold their respective offices for one year, and until their successors are elected and qualified.

Elections and qualification of voters.

SEC. 4. At the first election, and at all subsequent elections, the officers in said corporation, every person

residing therein qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the ward for thirty days next preceding the election, at which he may offer his vote in such ward for any officer required to be elected by this act, and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does [not] possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges, or one of them, before receiving the vote of any such person, shall cause such person to take an oath that he possesses the qualifications provided by this act, and that he has not voted at such election; if the person offering to vote shall take such vote, his vote shall be received; and if any person shall take such oath, knowing [it] *to* be false, he shall be deemed guilty of willful and corrupt perjury; and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in a ward where he does not reside, or shall vote more than once at any one election, he shall forfeit and pay a fine not exceeding fifty dollars, nor less than ten dollars, to be recovered in the same manner as other penalties are recovered under this act.

Challenge and oath.

False swearing, &c.

Officers to be voted for.

SEC. 5. At the first, and every subsequent election, [they] shall vote for one president, six trustees, one marshal, one treasurer, and one assessor.

Appointment of time and place of holding elections.

SEC. 6. The supervisors, or two or more justices of the peace of the town of Waupaca, shall, at least twenty days previous to the first election of officers in said village, appoint the time and place for *holding* such elections, and appoint the judges and clerks thereof, and shall give notice of such appointment (two) [ten] days previous to such election, by publishing the same in the Waupaca Spirit, a public newspaper printed in the county of Waupaca; and after the first election, it shall be the duty of the president and trustees to provide the places of holding the elections in said village, and to appoint the judges and clerks thereof; provide for making and directing the returns of election; the time and manner of opening the returns, and making

an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

Supervisors to determine who shall be elected, &c.

SEC. 7. The supervisors of the town of Waupaca shall determine who shall have been properly elected at the first; and the chairman of the board of supervisors of said town shall administer the oath of office to the first president, and such president shall administer the oath to all the trustees, and other officers, who have been declared duly elected. All subsequent elections shall be determined by the president and trustees; and the new president shall, in every case, be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers; in case of tie between two candidates at any election, the election of one or the other of them by lot, in the presence and under the direction of the president and trustee.

Administering oath to officers.

Duties of the president.

SEC. 8. The president shall preside at all meetings of the trustees, keep the seal of said corporation, sign all commissions, licenses and permits which may be granted by the trustees; he shall maintain peace and good order, and see that the ordinances of the village are observed and executed; he shall have power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; and when presiding at any meeting of the trustees, he shall have the casting vote when the votes of the members are equal.

Meetings.

SEC. 9. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open for the public, and shall determine the rules of the proceedings and keep a journal thereof, which shall be open for the inspection of every citizen, at all reasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government, as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Peace officers.

SEC. 10. The president, each and every trustee, marshal, each and every justice of the peace and constable of the county of Waupaca, shall be officers of the peace, and may command the peace and suppress in a summary manner all riotous and disorderly behav-

ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of law; *Provided*, They be not repugnant to the constitution and laws of the United States, or of this State; and for those purposes shall have authority by ordinance or by law, to organize fire companies, hook and ladder companies; to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale, in any manner; and *if* the owner shall refuse to procure suitable ladders, [and] fire-buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire-buckets, or both, with costs of suit; to regulate the storage of gun-powder and other dangerous material; to direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous, to be put in a safe condition; to regulate the manner of putting up stoves and stove-pipe; to prevent fires, and the use of fire-works and fire-arms within the limits of said village, or such part thereof, as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires and to pull, break down and raze such buildings in the vicinity of the fire, as shall be deemed necessary, and directed by the trustees or any four of them, who may be at the fire, for the purpose of preventing the communication with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve the reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper;

Proviso.

Fires—prevention of.

Nuisances.

2d. To prevent, abate and remove nuisances, and take such measures, for the public health as they may deem proper, and compel the owner or occupant of any

the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the village; he shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over to his successor all moneys, books and vouchers in his possession, belonging to said village; he shall before he enters upon the duties of his office, execute [a bond] to the president and trustees, for the faithful discharge of his duties, to be approved by the trustees, which bond shall be at least double the amount of taxes to be raised for the year in which he was elected.

Clerk to be appointed, powers and duties.

SEC. 13. The clerk shall be appointed by the trustees; he shall perform such duties, and exercise such powers as may be lawfully required of him, by the ordinances, or by the direction of the trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for such services.

Officers elected to subscribe an oath.

SEC. 14. Every officer elected in said village, shall within ten days after he shall be notified of his election, take and subscribe the oath of office, prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed by this law.

Special meetings, by whom and how called.

SEC. 15. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving six days notice thereof in writing, posted up at three of the most public places in said village; every notice of such meeting shall state the object for which such meeting is called.

Vacancies.

SEC. 16. Any vacancy in the office of president, trustees, marshal or assessor, may be filled at special meetings, called in the manner prescribed in the preceding section.

Powers.

SEC. 17. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties and to enforce the same against any person who may violate any of the provisions of such

default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons;

Boards of health.

12th. To establish and regulate boards of health, to provide hospitals and cemetry grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds, set apart for that use from taxation;

Bridges.

13th. To provide for the protection and security of bridges;

Riding and driving.

14th. To prevent all persons riding and driving any horse, ox, mule, cattle or other animals, on the sidewalks, or in any way doing any damage to such sidewalks;

Drunkards and immoderate drinking.

15th. To restrain drunkards and immoderate drinking, or obsenity in the streets of said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same; to regulate the licensing and sale of intoxicating liquors therein;

Monuments.

16th. To protect the trees and monuments in the village;

Grades of streets.

17th. To establish the grade of all streets in said corporation, and to appoint a surveyor and prescribe his duties and fix his compensation, not to exceed the pay allowed by law to others for same services.

power—how exercised; penalties.

SEC. 18. In all cases, in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws, in relation to any penalty for the violation of such ordinance or by-laws, not exceeding fifty dollars, for any offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding thirty days, for which purpose the said village shall have the use of the jail of Waupaca county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal, or any other officer of said corporation, shall be under the charge of the sheriff of said county.

Suits for violation of ordinances may be by warrant, &c.

SEC. 19. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally in debt, with reference

ocery, cellar, tallow chandlers' shop, soap factory, nnery, stable, barn, privy, sewer, slaughter house or her unwholesame or nauseous houses or places, to anse, remove, or abate the same from time to time, often as it may be deemed necessary for the health, mfort and convenience of the inhabitants of said llage;

3d. To license and regulate the exhibition of com- Shows and showmen. on showmen, or shows of any kind, or the exhibition any natural or artificial curiosities, caravans, circuses theatrical performances, under the ordinances or nmon law;

4th. To restrain and prohibit all description of gam- Gaming. ; and fraudulent devices and practices, and all play- of cards, dice or other games of chance, for the pose of gaming in said village;

5th. To prevent any riots, noise, disturbances or Riots, noise, &c. orderly assemblages; suppress and restrain disorderly ises or houses of ill-fame, shows and exhibitions;

6th. To direct the location of all slaughter houses Slaughter houses. l markets;

7th. To prevent the incumbering of the streets, side- Incumbering streets, &c. lks, alleys or public grounds with carriages, carts, gons, sleighs, boxes, lumber, fire-wood or other terials or substances whatever;

8th. To prevent horse-racing, immoderate driving or Horse-racing, &c. ng in the streets, and to regulate the places of bath- and swimming in the waters within the limits of l corporation;

9th. To restrain the running at large of cattle, swine, Cattle, swine, &c. ep, horses and other animals, and to authorize dis- ning and the sale of the same, or to impose a fine exceeding five dollars for every such animal found going at large in violation of the laws of the age;

10th. To prevent the running at large of dogs and to Dogs. horize the destruction of the same in a summary nner, when at large, contrary to the ordinances or to ose a tax on the same;

11th. To prevent any person from bringing, deposit- Putrid carcasses and unwholesome substances. or having within said village any putrid carcass, any unwholesome substance, and to require the oval of the same, by any person who may have n his premises any such substance, or any putrid nwholesome beef, pork, fish, hides or skins, and in

Proviso. sale for the non-payment of such taxes; *Provided*, That in any one year the taxes for corporation purposes, shall not exceed one per cent. on the assessed valuation of taxable property of said village, unless two-thirds of the electors of said village, voting at a meeting regularly called for that purpose, shall vote to allow a larger sum to be raised, but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid.

Accounts—how allowed, &c. SEC. 24. No account or claim against said village, shall be paid until it shall have been presented to the trustees thereof, audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same, shall endorse thereon, or annex thereto a certificate, subscribed by them of such auditing, and allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Accounts to be itemised, &c. SEC. 25. No such account or claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, and the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith, and one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section, and the said trustees may examine the claimant on oath as to the items in such account or claim.

Nothing to prevent disallowing accounts. SEC. 26. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other and further evidence of the correctness and reasonableness thereof.

Numbering accounts. SEC. 27. Every account or claim against said village presented to the trustees in any year, shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall

o the ordinance, under which the action is brought; the lefendant may plead the general issue, and give the pecial matter in evidence, and a printed copy of an ordinance, published in a newspaper or pamphlet, by uthority of the trustees, shall be *prima facie* evidence f the passage and publication of such ordinance.

Executions.

Sec. 20. Every execution issued upon judgment for he violation or non-observance of any ordinance or y-law of said village, shall contain a clause, directing, 1 the event of non-payment of the judgment, the imrisonment of the defendant, in the county jail for ich term as shall have been provided by the ordiance, under which the judgment shall have been ren-ered; all fines, penalties, and forfeitures, when collected, iall be paid into the treasury of said village.

Ordinances, &c., to be published.

Sec. 21. Any ordinance, regulation, rule or by-law, iposing any penalty or forfeiture for the violation of s provisions, shall be published one week in some ewspaper printed in the county, before the same shall e in force, and proof of such publication by affidavit the printer or foreman of the office of such newspa-r, or by producing such newspaper, ontaining such iblication, shall be conclusive evidence of the publiion and promulgation of such ordinance, regulation, le or by-laws, in all courts and places.

No person incompetent as judge, &c.

Sec. 22. No person shall be an incompetent judge, stice, witness, or juror, by reason of his being an inbitant of said village, in any action or proceeding, in hich said village is a party interested.

Trustees to appoint street commissioner —duties and powers of same.

Sec. 23. The trustees shall have power to appoint e street commissioner, to lay out, open and keep in pair, grade, pave, and otherwise improve streets, aven-s, lanes, alleys, sewers, side-walks and cross-walks, sure the public property of the village, to direct the osecution and defence of suits, in which said village ay be a party, to procure the necessary blank books record, and such other stationery as may be required village purposes, and audit and allow all lawful ac-unts, and to draw an order on the treasurer, for the yment of the same; to determine the compensation the president, clerk, marshal, treasurer, assessor, and eet commissioner, subject to the provisions of this ; to levy and collect taxes on all such property as ill be subject to town and county taxes, and no prop-y, personal or real, shall be exempt from taxation or

by tax, on all the owners of real estate or lots on such street or part of street; said tax shall be levied on the last assessed valuation of the real estate and lots, exclusive of improvements, respectively, as the same shall appear in the assessment roll of said village.

Relative to side walks.

SEC. 34. When two thirds of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a sidewalk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such sidewalk shall be levied as prescribed in the preceding section.

Tax for improving streets &c.

SEC. 35. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building and repairing any sidewalk, they shall make out and deliver to the street commissioner, such tax to be collected and expended, a list of persons and description of the property taxed, and thereupon the street commissioner shall notify the persons named in such tax list, by notice posted in three of the most conspicuous places in said village, or in some public newspaper printed in said village, and shall specify in such notice the time, not less than twenty nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials, or money, and the persons charged with such tax may at any time and place, as may be required by such street commissioner, pay their taxes in labor or materials; *Provided,* The labor and materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Notice to pay said tax.

Street commissioner's return of taxes collected, &c.

SEC. 36. At the expiration of thirty days from the time said street commissioner shall have received such tax list, he shall return the same to the trustee, accompanied by a statement, verified by his affidavit subscribed thereto, showing the amount of tax collected in money, and the manner in which such money was expended, and the items of expenditure, also the taxes which remain unpaid, and the persons and description of real estate and lots to which such unpaid taxes stand charged.

Sale for unpaid taxes, &c.

SEC. 37. The trustee, in making out the duplicate assessment roll of said village next thereafter, shall enter such unpaid taxes therein in a separate column, with

e presented, shall be entered in the records of the proeedings of the trustees.

Warrants—how made out.

Sec. 28. Every warrant by the trustees to pay any :count or claim, shall refer to such account or claim y the number, the name of the person in whose favor was made out, and the time when it was presented, id a memorandum of such reference, and of the nount of the warrant, shall be entered in such records fore such warrant shall be delivered to the claimant.

Payable by the treasurer.

Sec. 29. No such account or claim shall be paid ex- pt by the treasurer, on the warrant of the trustees dorsed on or annexed to the account or claim for iich it shall be drawn.

Filing accounts, with affidavit, &c.

Sec. 30. Whenever such account or claim shall be id, it shall, together with the affidavit presented there- th to the trustees, the certificate of auditing and al- ving the same, and the warrant drawn for the pay- nt of the same, be filed and preserved in the treasu- 's office.

Certain accounts shall not be allowed

Sec. 31. No trustee shall allow or subscribe a certifi- e of allowance of any item in any account or claim ainst said village which said village shall not be ally bound to pay, or for the payment of which it ild not lawfully raise money therein by tax, nor shall y trustee sign any warrant for the payment of any ch account or claim, or any part thereof.

Relative to borrowing money and incurring debt.

Sec. 32. Said village shall have no power to borrow ney, nor shall it be liable to pay money borrowed on account or advanced in its behalf by its officer[s] or y other person, nor shall any of its money or property applied to any such purposes, nor shall the village ur any debt or liability in any year greater than the ount of tax allowed by this act to be raised in said age in the year in which such liability was incurred, ess two thirds of the legal voters shall vote in favor uch debt.

Grading streets, &c. making of—applying for same.

Sec. 33. Whenever two thirds of all the resident ners of real estate bounding both sides of any street part of street, not less than thirty rods in length, in l village, shall desire to have such street graded, ed or otherwise improved, they may make and sign application, in writing, to the board of trustees of l village, specifying in such application the sum essary to be raised for that purpose, and the said tees shall levy and cause to be collected such sum

completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Warrant to be signed by president, &c.

SEC. 41. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the voters; such warrant shall command the marshal to collect the taxes mentioned in such tax list in forty days, and pay over the same to the treasurer of said village, and make return of said warrant to said treasurer; the treasurer may renew the warrant annexed to any tax list for thirty days, when he shall deem it necessary; but any such warrant shall not be renewed more than once.

Renewal of warrant.

Marshal's notice to tax payers.

SEC. 42. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice, by publishing the same in three public places in the village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days, shall be subject to a deduction of five per cent. upon the amount paid.

When he may collect by distress, &c.

SEC. 43. If the taxes are not paid to the marshal within thirty days, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days' notice of the time and place of such sale, by written notices posted up in three public places in said village.

When the marshal shall pay over money to treasurer

SEC. 44. It shall be the duty of the marshal, within the time prescribed in any such warrant, for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him by reason of his not being able to find property in said village, out of which he could collect the same; and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Treasurers notice of sale for unpaid taxes.

SEC. 45. In all cases the tax on any lot or other parcel of land, shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other parcels of land upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and liabilities which may accrue by advertising and selling agreeable to the provisions of this act; said advertisement shall be published in a written or printed notice, set up in three of the most conspicuous places in the village.

Sale—how conducted.

SEC. 46. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of land and lots, and continue the same from day to day, until so much thereof as will pay the tax, interest, charges due, assessed and charged thereon, agreeable to this act, and the treasurer shall give to the purchaser of any lot or lots of land a certificate of the lots or land sold, purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed.

Treasurer to deposit with clerk, after sale, a description of lots, &c., &c.

SEC. 47. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax list, to be filed in the office of the clerk; also a statement containing a particular description of such lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk, shall record such statement in a book kept for that purpose by each of them, in their respective offices.

If not redeemed within two years, treasurer to execute a conveyance, &c.

SEC. 48. If the person claiming the title to the lots or parcels of land, so sold and described in said certificate given by the treasurer, shall not within two years from the date thereof pay to the treasurer of said village for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, after the expiration of said two years, execute to the purchasers, his heirs or assigns, a conveyance of the lots or parcels

completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Warrant to be signed by president, &c.

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Renewal of warrant.

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When he may collect by distress, &c.

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Sale—how conducted.

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Treasurer to deposit with clerk, after sale, a description of lots, &c., &c.

SEC. 47. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax list, to be filed in the office of the clerk; also a statement containing a particular description of such lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk, shall record such statement in a book kept for that purpose by each of them, in their respective offices.

If not redeemed within two years, treasurer to execute a conveyance, &c.

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done, the trustees may appoint another time, in which the said duties may be performed; *Provided*, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties, as they would have been, had not said power been conferred upon or executed by said trustees.

Appointment and removal of officers, &c.

SEC. 57. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One chief engineer of the fire department, two fire wardens, as they shall from time to time deem necessary, one surveyor, one sealer of weights and measures, sextons and keepers of public burial places, and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act, and to impose or enforce in law such penalties as to the said trustees may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any such of them as may be deemed expedient and necessary by the trustees; *Provided*, That the trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Quorum and meetings.

SEC. 58. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business; and in the absence of the president, five trustees being present, one of their number may be appointed chairman pro tem.

Wards.

SEC. 59. The president and trustees shall divide said village into wards, not to exceed two in number, as they may deem for the interest and convenience of the village

Election of ward supervisor.

SEC. 60. At the first election of said village, and at every annual election thereafter, the votes of each ward shall elect one of their own number to represent them in the county board of supervisors, who shall be called ward supervisor, and who shall be entitled to a seat and a vote in the county board of supervisors, and shall have in all respects the same power, rights and privileges as any other supervisor in said county board.

SEC. 61. This act may be altered, amended or repealed by the legislature.

SEC. 62. This act shall take effect from and after its passage.

Approved March 5, 1857.

Chapter 265.

An Act to incorporate the Chippewa Valley Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Wm. Wilson, Ira Mead, H. M. Billings, Burriage Downs, B. F. Hopkins, Edwin H. Goodrich, John J. Ross, Elias A. Galloway, Marcus W. Mc Cracken, C. S. Washburn, Charles E. Jenkins, Thos. Falvey, Hiram S. Allen, and such other persons as shall associate with them, and become stockholders, as is hereinafter in this act provided, are hereby created and declared a body politic and corporate, by and under the the name of the "Chippewa Valley Railroad Company," and by that name shall have perpetual succession, and shall have and enjoy all of the privileges, franchises and immunities incident to a corporation; they shall be capable in law, of purchasing, holding, leasing, selling and conveying estate, either real, personal or mixed; they may make and use a common seal, and alter, break or renew the same at pleasure, and by that name may sue or be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular, the acts and matters, which to any corporation it shall lawfully appertain to do and perform, for the well being of said corporation.

Style, privileges, powers, &c.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into fifty (50) thousand shares, of one hundred (100) dollars each, and as soon as three hundred, (300) shares shall be subscribed and five ($5) dollars paid on each share, the company shall be deemed permanently organized, and the aforesaid incorporators shall be the directors of said company, until their successors are elected, as is hereinafter provided.

Management by directors.

SEC. 3. All the affairs of said corporation shall be managed by a board of thirteen directors, who shall be stockholders, or of such other number, not more than fifteen or less than five, as shall be previously specified in the notice of election, and the board of directors is hereby invested with all the powers of the corporation.

They shall be chosen annually by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election, shall be given, as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock, by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on thirty days notice being given, as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created, shall not forfeit or lose any of its privileges, franchises or immunities, by reason of the irregularity or want of any such election.

Election of directors.

Elections—how conducted

If for any cause no election, corporation not to lose any of its privileges, &c.

Quorum and meetings.

SEC. 4. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall agree upon; they shall appoint one of their own number to be president, and one to be vice president, who shall respectively serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board.

Appoint a president and vice president —duties of same.

Other officers —fix compensation and duties.

Shares of stock deemed personal property

SEC. 5. All shares of stock in this company, owned by any person, shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of said company.

Special meetings, by whom and how called

SEC. 6. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth, (¼), of the capital stock, on like notice, as that required for annual meetings of the stockholders, specifying the object of the meeting.

Route.

SEC. 7. Said company shall have full power to build and construct a railroad from some point on the Mississippi river, between ranges number fifteen, (15), and sixteen, (16), west of the fourth (4th) principal meridian, terminating at Lake Superior, between ranges three, (3), and six, (6), west, by the way of Eau Clair and Chippewa Fall, and the said company shall have full power to transport, take and carry persons or property upon said road, by the power or force of steam, of animal or of any mechanical or other force, or combination of them; and to make and construct all such turn-outs, side tracks and connecting tracks, as they shall think will promote the interests of the company; and to erect, construct and use all such depots, station houses, ware houses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road, and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniences for running said railroad; and they shall have power to connect the said road with any other railroad in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon, by and between the said companies, or in any other manner; and to transport persons and property in boats, vessels and barges on the Chippewa and Mississippi rivers, and to receive and collect reasonable compensation for the same.

Transport persons and property.

Power to construct turn-outs, &c.

May connect with any other railroad.

May borrow money.

SEC. 8. The said company is authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between

said company, and any party of whom such money may be obtained, any law on the subject of usury in this State, or any other State where such transaction may be made, to the contrary notwithstanding, and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment or running said road; and to make, execute, sell and deliver at private or public sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures, and appurtenances; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding, in law and equity upon said corporations, and upon all other parties to such contract.

May enter upon land for the purpose of exploring, &c., and may take possession of and use same for certain purposes.

SEC. 9. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the route of said railroad shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred (100) feet in width along the line of said road, and also such lands adjacent to the line of said route, beyond the said limits of one hundred (100) feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same, for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel

of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of obtaining earth, gravel, timber, stone, or materials for embankments, structures or superstructures, necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same, or any part thereof, in fee simple.

Company to pay for use of land.

SEC. 10. In case the said company shall locate the lines of their railroad on any lands belonging to the State, the said lands to the extent of one hundred (100) feet in width along the line of said road, are hereby granted to said company; and the said company is hereby authorized and empowered to construct their said railroad and its branches in sections, as fast as they can obtain the means of so doing, and the franchise of the portions so completed and put in operation shall vest in said company, the same as though the whole were completed; and if any appropriation of land shall be made to the said company by Congress, to aid in the construction of a railroad between the points aforesaid, such proportion of the whole quantity of land so appropriated as the length of section or sections completed bears to the whole length of the surveyed line of said railroad, is hereby granted to said railroad company, and upon the completion of such section or sections, shall vest in fee simple in said company, and the lands so granted shall be such of the lands appropriated by Congress as aforesaid as shall lie most contiguous to the sections so completed as aforesaid.

If company locates on state lands, lands granted to company.

In case lands are granted by congress.

SEC. 11. The said company shall have the right to enter upon any lands required for their use, as provided in the ninth section of this act, and to survey and lay

May enter on lands for use.

out said road, not exceeding one hundred (100) feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman; or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: The said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested and not akin to him, or if they should refuse or neglect for the space of three days after being notified by said company to do so, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the secretary and addressed to their usual place of residence, to select such arbitrator, and if they shall refuse or neglect for the space of sixty (60) days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be kin to the claimants or in any manner interested in said company; and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties; and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, then said company shall pay all expenses of said arbitration; if it shall be less, then the other party shall pay such costs, and either party may, within ten days after receiving a copy of such award, appeal from the same to the court of the proper jurisdiction for the county in which such lands are situated, by giving a written notice of such appeal to some one of the arbitrators; and upon

Settle with owner for land so taken.

In case they cannot agree upon amount of compensation, arbitrators to be chosen to determine same—how chosen.

Either party may appeal.

ch receiving such notice of appeal it shall be the
ity of the arbitrators to certify all their proceedings to
id court, and the said court shall enter said case on
docket, setting down the claimant or claimants as
aintiffs and the said company as defendants, and the
id court shall proceed to ascertain the amount of
mpensation to be paid by said company to said com-
ainant, taking into consideration all the facts and
cumstances which said arbitrators were by this act
uired to take into consideration, and the said court
all thereupon proceed to render judgment in favor of
d complainant against said company; and if the
ount so found for such complainant shall exceed
amount so found by said arbitrators, the judgment
ll be rendered against said company for costs, and
t shall not exceed the amount so found by said ar-
rators the judgment shall be rendered in favor of said
npany for costs and against said claimant. And
en such compensation so to be ascertained accord- When compensation has been paid or tendered, title to vest in company.
to the provisions of this section shall be paid or
dered to the party entitled to the same, the title to
l lands shall vest in the said company in fee simple,
l a copy of such award or judgment filed in the
ce of the register of deeds of the county in which
lands lie, shall be sufficient evidence of such title,
l the said company shall have full power and au-
rity, pending all such proceedings, and until they
ll refuse to pay the compensation so to be ascer-
ed as aforesaid, to use, occupy and enjoy the peace-
e and uninterrupted possession of said land or lands,
all the lawful purposes of said corporation, and they
ll not, while such proceedings shall be pending or
il such refusal, be disturbed in such possession, use,
upancy and enjoyment by any proceedings at law
n equity. The said arbitrators shall, before they Arbitrators to subscribe an oath.
er upon the duties of their appointment, severally
e and subscribe an oath to faithfully and honestly
ide between the parties, which oath shall be taken
ore some person authorized to administer oaths, and
ll be returned with the award.

SEC. 12. The said company may construct the said May enter upon any private or public road.
road across any public or private road, highway,
oad, stream of water or water course, if the same
l be necessary, but the said company shall restore
a road, highway, railroad, stream of water or water

course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, railroad, stream of water or water course, to the owner or to the public.

May demand compensation for transportation of persons and property.

SEC. 13. On the completion of said railroad, or any section of the track, not less than five (5) miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time (time) to time think reasonable.

Doing willful injury to railroad—punishment.

SEC. 14. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said company, or shall willfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 15. This act shall be in full force and effect from and after its pasage.

Approved March 5, 1857.

Chapter 266.

An Act for the Relief of Active Members of Fire Companies in the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Every fireman entitled to a certificate, upon presentation of which

SECTION 1. That every active fireman who shall belong to any regularly organized fire company in the city of Milwaukee, or whose property, whether real or personal, shall be hereafter taxed, shall be entitled to

receive from the foreman or secretary of the company to which he belongs, a certificate that he is an active member of such company; and such fireman, upon presentation of such certificate to the city clerk of the city of Milwaukee, shall receive from said clerk an order on the treasurer of said city, requiring the said treasurer, on receipt of said order, to cancel the general city taxes assessed upon one thousand dollars in value, of the real and personal property of such fireman.

To city clerk, clerk to issue an order on treasurer to cancel general tax of such foreman.

SEC. 2. The treasurer, upon presentation of such order, shall receive the same in payment, of the city taxes, of the fireman for whose benefit such order is issued, assessed upon one thousand dollars' worth of the real and personal property of such fireman, which shall be taxed; and if such fireman shall have less than one thousand dollars' worth of real and personal property which shall be taxed, then said treasurer shall receive such order in payment for the general city taxes, assessed upon the amount of property of the said fireman, which shall be taxed; but such certificate shall not be receivable in payment of any special taxes or assessments.

Upon presentation of order to treasurer—duty of same.

SEC. 3 The order issued by the city clerk as herein provided, shall be issued to the fireman entitled to the same by the certificate of the foreman and secretary of the company to which he belongs, and shall not be transferable nor used in payment of any taxes except the city taxes assessed to the fireman to whom such order is issued, and the same shall be void in the possession of any person, other than the fireman who is lawfully entitled thereto.

Order issued by clerk not transferable—how applied.

SEC. 4. No fire company in the city of Milwaukee, shall be allowed more than seventy members; and any foreman and secretary of any fire company who shall sign a certificate as herein provided, for any person who is not an active member of such company, shall be fined fifty dollars each for each offence, and if such foreman and secretary shall sign and issue such certificate to more than twenty members in any one year, they shall be subject to a fine of fifty dollars each, for each certificate over twenty, which they shall issue; such fines shall be collected in such manner as the common council of the city of Milwaukee shall direct, and when collected shall be paid into the city treasury

Limitation of members.

Foreman and secretary—penalty for issuing false certificates.

and applied to the support of the poor of the city of Milwaukee.

SEC. 5. This act shall take effect from its publication.

Approved March 5, 1857.

Chapter 267.

An Act to provide for the removal of the County Seat of La Pointe County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Vote upon the removal of the county seat.

SECTION 1. At the next general annual election, the legal voters of the county of La Pointe, in this State, shall be and are hereby authorized to vote for the removal of the county seat of said county, from La Pointe, on the island, to Beyfield, in said county of La Pointe, which point is hereby fixed as the point to which it is proposed to remove said county seat, and if a majority of all the votes cast on that subject, at such election, be in favor of such removal, then said place, last aforesaid, shall be the permanent county seat of said county.

Votes cast to be by ballots—ballots, what to contain.

SEC. 2. The votes cast on the subject of the removal of the county seat, as above provided, shall be by ballot; said ballots shall have written or printed on them, or partly written or partly printed, the words, "For the removal of the county seat," or the words "Against the removal of the county seat;" said ballots shall be deposited by the inspectors of the election, in a separate box to be by them provided for that purpose.

Votes—how to be canvassed and returned.

SEC. 3. The said votes shall be counted, canvassed, certified and returned in the same manner as is provided by law for counting, canvassing, returning and certifying the votes for county officers, and the clerk of the board of supervisors of said county, shall record the result in same county record book, in his office and transmit a certified copy of such record to the Secretary of State at Madison, who shall file and preserve the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 268.

An Act to incorporate the Mutual Fire Insurance Company, of the city of Janesville.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Peter Myers, Thomas Lappin, John Vermilyea, Edward Barker, J. Blunt, N. P. Bump, O. W. Norton, L. P. Harvey, Lyman I. Barrows, Morris C. Smith, James Hutson, Moses Prichard, S. G. Williams, Wm. Kemp, S. C. Spaulding, Wray Jenkins and W. Henry Tallman, and all other persons who may hereafter become members of said company in the manner herein prescribed, be and they are hereby incorporated and made a body politic, by the name of the Mutual Fire Insurance Company, of the city of Janesville, for the purpose of insuring dwelling houses, shops, stores and other buildings, household furniture, merchandize and other personal property, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, except that of design in the assured, or by the invasion of an enemy or insurrection of this or any of the United States; and by that name may sue and be sued, appear, prosecute and defend, in any court of record, or other place, whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make and enforce such by-laws, not being contrary to the laws of this State, or of the United States, as may be necessary or convenient for their government, and the management of their affairs, and do and perform all such other acts and things as may be necessary to carry into effect the purposes intended by this act. Corporators. Name. Object. Power.

SEC. 2. All persons who shall at any time, insure in said company, and also their respective heirs and exec- Persons insuring to be members.

utors, administrators and assigns, continuing to be insured therein, shall be members thereof, during the continuance of their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Annual and special meetings.

SEC. 3. There shall be a meeting of said company at the city of Janesville, in the county of Rock, annually, on such day as the company may hereafter determine, and special meetings may be called in such manner as the by-laws of said company may prescribe; at each annual meeting, shall be chosen by a majority vote of the members present, a board of directors, consisting of not more than fifteen, (15), nor less than five members of said company, who shall continue in office one year, and until others are chosen, and have accepted the trust in their stead; all vacancies happening in said boards shall be filled by a vote of the majority of the directors present at any regular meeting thereof, and the directors so chosen, shall serve the remainder of the term of office for which the vacating director was chosen.

What done at annual meetings.

Vacancies.

Directors to superintend and manage affairs.

SEC. 4. The directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for by said company; and a majority of the whole members at any time, shall constitute a quorum for the transaction of business; they shall have power to appoint a secretary, treasurer, and such other officers and agents and assistants as may be necessary, prescribe their duties, fix their compensation, and take such security from them for the faithful performance of their respective duties as they may deem necessary; they shall determine the rates of insurance, the sum to be insured, the premium to be paid, and the amount of the deposit note to be given for such insurance; shall direct the making and issuing of all policies, and shall provide books, stationery, and all other things needful for the office of said company, and for carrying on the business thereof; they shall draw upon the treasurers for the payment of all losses which may have been allowed, and for the expenses of said company; they shall elect one of their number to act as president, shall hold meetings as often as the business of the company may require, and shall keep a record of their proceedings,

Appoint officers and prescribe their duties and fix their compensation.

Shall direct the issuing of policies, &c.

Elect a president.

which shall be open to the inspection of the members of the company.

Insurance—how made.

SEC. 5. Insurance shall, in all cases, be made upon the representation of the insured, contained in his application, and signed by him, his agent or attorney, which representation shall, fairly and in good faith, state all the material circumstances within his knowledge which may affect the risk. In all cases of loss or damage by fire, the valuation of the property, at the time of such loss or damage, shall, unless otherwise agreed on by the parties, be determined by the award of three impartial men, one to be selected by each of the parties, and the third by the persons thus chosen.

How loss or damage by fire to be ascertained.

Persons insuring before receiving policy to pay premium or give deposit note.

SEC. 6. Each person, or company, by its agent, shall pay to said company, upon the execution of his or their policy or policies, and before the delivery thereof, such premium, in cash, as may be agreed on, and shall also give to said company a deposit note with such security as the directors may prescribe, in not less than three, nor over five times the amount of the cash premium paid, which two sums, together with the forfeit fees and interest, shall constitute the funds of the company.

Funds—how invested and appropriated.

SEC. 7. The funds of said company shall be invested or loaned on such security as the directors may prescribe, and shall be appropriated to the payment: 1st, of the expenses of the company; 2d, of losses or damage by fire; and 3d, of dividends, or returns of premiums or policies expired; and in case any member shall have a just claim for loss or damage by fire, exceeding the amount of their cash funds, the directors shall assess such sum as may be necessary on the members, in proportion to the amount of their respective deposit notes, and deliver the same to the treasurer for collection.

Deposit notes—how payable, &c.

SEC. 8. Said deposit notes shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or expenses; and at the expiration of the term of insurance, the said note, or such part thereof as shall remain after deducting all assessments for losses and expenses occuring during said term, shall be relinquished and given up to the signers thereof; and each member shall, after the expiration of his policy or policies, have a right to demand and receive from said company his

share of the remaining funds in proportion to the sum or sums actually paid.

Losses by fire —proceedings.

SEC. 9. Whenever any person shall suffer any loss or damage of property by fire insured in said company, he shall, within thirty days next thereafter, give notice of the same in writing, to the directors of said company, whose duty it shall be, on actual view or otherwise, to determine the amount, if any, of the company's liability, and if the sufferer shall not acquiesce in such determination of the directors, he may bring an action at law against said company in any court of competent jurisdiction, and in case the sufferers shall not recover by such action a larger sum for damages than that determined on by the directors as aforesaid, then judgment shall be rendered in favor of the sufferer for his damages, and in favor of said company for costs of suit.

Insuring property.

SEC. 10. Whenever the sum subscribed to be insured shall amount to the sum of ten thousand dollars, said company may insure for any term not exceeding five years, any description of property mentioned in the first section of this act against loss or damage by fire to an amount not exceeding three-fourths of the value of the property insured; and any policy signed by the secretary shall be declared valid and binding on said company in all cases where the insured has complied with the conditions on which his policy was issued.

Policies signed by secretary, valid and binding.

To pay all losses within three months.

SEC. 11. The directors shall adjust and pay all losses within three months after they shall have been notified of the loss as provided in the tenth section of this act, unless they shall judge it proper, within that time, to rebuild the building or buildings destroyed, or repair the damages sustained, which they are hereby empowered to do in convenient time; *Provided*, They do not expend in such rebuilding or repairs more than the sum insured on the premises, but no allowance is to be made in any case in estimating damages for gilding, historical or landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire, unless the same are specially mentioned in the policy.

Proviso.

Restrictions.

SEC. 12. The company hereby created, shall be restricted in its operations to the business of insurance as herein specified.

SEC. 13. All the property belonging to said company, except its deposit notes, shall be listed and taxed in the same manner that the same kind of property belonging to individuals is now or may hereafter be listed and taxed by the general laws of this State. Subject to taxation.

SEC. 14. The individuals named in the first section of this act, shall be and are hereby constituted a board of directors of said company, to serve as such until the first annual election of directors as herein provided, and during their said term of office, shall have and exercise all the rights and powers and discharge all the duties of directors under the provisions of this act; they shall also call the first annual meeting of the members of said company at any suitable time, by giving at least ten days' notice in two or more of the newspapers published in said Janesville, of the time, place and object of such meeting. First directors —powers and duties.

Approved March 5, 1857.

Chapter 269.

An Act to establish a Ferry across Lake St. Croix, at Hudson, in St. Croix County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Lorenzo D. Bartlett, his associates and assigns, their heirs, executors and administrators, shall have the exclusive right and privilege for the term of ten (10) years, of keeping and maintaining a ferry across Lake St. Croix, on fractional sections number fourteen, (14), twenty-three, (23), twenty-four, (24), and twenty-five, (25), in township number twenty-nine, (29), north of range number twenty, (20), west of the fourth principal meridian, and no ferry shall be granted within one mile either above or below said fractional sections. May keep a ferry.

SEC. 2. There shall be kept for use upon the above ferry, good and sufficient boats, propelled by steam or otherwise, for the accommodation of all persons wishing to cross said ferry, and the said corporator shall Keep good boats, &c.

give prompt and ready attendance on passengers, teams, and merchandize on all occasions; *Provided*, That said boats need not be run when serious injury would result thereto, by contact with the ice or otherwise; *And, provided, further*, That when crossing is demanded after 9 o'clock at night, double the usual rates for ferrying may be charged for such crossing.

Proviso.

Proviso.

Rates of toll.

SEC. 3. The rates charged for crossing at the above ferry, shall not exceed the following, viz: For each foot passenger, fifteen cents; for each horse, mare, gelding, mule or ass, with or without rider, fifty cents; for each two horse or two ox team, loaded or unloaded, with a driver, one dollar; for each single horse-carriage, seventy-five cents; for each additional ox or cow, twelve and a half cents; for each swine or sheep, five cents; all freight or merchandize, or other articles not with or in teams, at the rate of ten cents per bbl. Lumber delivered or received on said boat or boats, fifty cents per thousand feet, and ten cents per cwt. for all other articles; *Provided*, That the board of supervisors of the county of St. Croix, shall have authority to reduce said rates whenever they shall deem proper.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

Chapter 270.

An Act vacating an alley in the City of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Alleys vacated.

SECTION 1. The alley running between lots one, two, three and four, and lots five, six, seven and eight, in block numbered ten, on the north east quarter of section six, in township numbered one, north of range numbered twenty-three east, in Nichols and Holmes' addition to the village of Southport, now city of Kenosha, is hereby discontinued and vacated.

SEC. 2. This act shall be in force from and after its passage.

Approved March 5, 1857.

Chapter 271.

An Act to provide for the removal of the county seat of Door County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Vote on removal of county seat authorized

SECTION 1. At the next annual town meeting to be held on the first Tuesday of April next, the legal voters of the county of Door, in this State, shall be and are hereby authorized to vote for the removal of the county seat of said county, from Gibralter to lot one, (1), section eight, (8), town twenty-seven, (27), range twenty-six (26) east, in the town of Sturgeon Bay, in said county of Door, which said described lot in the said town of Sturgeon Bay, is hereby fixed as the point to which it is proposed to remove said county seat; and if a majority of all the votes cast on that subject, at such election, be in favor of such removal, then said place last aforesaid, shall be the permanent county seat of said county.

Vote by ballot

SEC. 2. The votes cast on the subject of the removal of the said county seat, as above provided, shall be by ballot; said ballots shall have written or printed on them, or partly written or partly printed, the words "for the removal of the county seat to Sturgeon Bay;" or the words "against the removal of the county seat;" said ballots shall be deposited by the inspectors of the town meeting in a separate box to be by them for that purpose provided.

Return of votes, &c.

SEC. 3. The said votes shall be counted, canvassed, returned and certified in the same manner as is provided by law, for counting canvassing, returning and certifying the votes for county officers, and the clerk of the board of county supervisors shall record the result in some county record book in his office, and transmit a certified copy of such record to the secretary of state, at Madison, in said State, who shall file and preserve the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1857.

They shall be chosen annually by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election, shall be given, as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock, by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If for any cause an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on thirty days notice being given, as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created, shall not forfeit or lose any of its privileges, franchises or immunities, by reason of the irregularity or want of any such election.

Election of directors.

Elections—how conducted

If for any cause no election, corporation not to lose any of its privileges, &c.

Quorum and meetings.

SEC. 4. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall agree upon; they shall appoint one of their own number to be president, and one to be vice president, who shall respectively serve for one year, or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and when absent, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer and such engineers, superintendents, agents, and such other officers as they may find necessary, fix their compensation and duties and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board.

Appoint a president and vice president—duties of same.

Other officers—fix compensation and duties.

said White with the clerk of said court, and the said court is authorized to take from such commissioner such security as the court may deem necessary.

Must serve notice of application to appoint said commissioners in relatives, &c

SEC. 3. The said court, before appointing such commissioner, shall be satisfied by affidavit, that a notice of such application has been served personally, or by mail, upon the brothers and sisters of said White, at least forty days before the time of appointing such commissioner; such applicant shall also cause a notice of such application to be published once in each week, for twelve weeks successively, in some newspaper printed in the cities of New York, Boston, Chicago, Milwaukee and Madison, before the time of hearing such application, and said court, before making such appointment, shall be satisfied by affidavit, that such publication has been duly made, all of which affidavits, notices, and proceedings, shall be filed with the clerk of said court.

Publication of said notice.

Hearing of case by court, &c.

SEC. 4. The said court on the day stated in such notices of said application, shall either in term or vacation, read the proofs and allegations of the applicant, and the parties, if any, in opposition thereto, and if the court is satisfied from a free hearing of the case, that the said White is dead, although there is no positive proof thereof, and in case nothing is heard from said White after such publication, and no explanation is made of his disappearance, or reasonable or probable accuracy given thereof, said court may without further evidence than the circumstances of his disappearance in October last, presume the said White to be dead, and appoint such commissioner to settle his estate in the manner hereinbefore mentioned.

Commissioners authorized to notify persons having claims to present the same, &c.

SEC. 5. The said court shall authorize said commissioner to advertise for all persons having debts against said White, to present the same to him at a time and place to be mentioned in such advertisement, and not less than three months from the first publication thereof, and such commissioner may receive such claims, together with the vouchers thereof, and may allow such as he may be satisfied are just and equitable, and such as he may not be satisfied with, he may reject, and he shall report to the court a list of debts presented to him, and those allowed and disallowed, and the court may, upon the application of the claimant in cases where any claim has been disallowed, author-

said company, and any party of whom such money may be obtained, any law on the subject of usury in this State, or any other State where such transaction may be made, to the contrary notwithstanding, and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment or running said road; and to make, execute, sell and deliver at private or public sale, in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures, and appurtenances; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding, in law and equity upon said corporations, and upon all other parties to such contract.

May enter upon land for the purpose of exploring, &c., and may take possession of and use same for certain purposes.

SEC. 9. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the route of said railroad shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred (100) feet in width along the line of said road, and also such lands adjacent to the line of said route, beyond the said limits of one hundred (100) feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses, or other fixtures and grounds about the same, for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel

of a line drawn through the center of Walnut street, from the western to the eastern boundary of said city, shall constitute the first ward. All that portion of said city being north of said line and south of a line drawn through the center of Division street, from the western to the eastern boundary of said city, shall constitute the second ward. All that portion of said city lying north of the second ward, shall constitute the third ward, but the city council shall have power to change said lines of division as they may deem proper.

Corporate authority of city vested in council.

SEC. 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

Elections.

Elective officers.

[SECTION 1.] The elective officers of said city shall be a mayor, a treasurer, a police justice in the city at large, and three aldermen, one justice of the peace, one assessor, and one constable for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer, assessors, and constables, and two aldermen in each ward, for one year; one alderman in each ward, police justice, and justice of the peace, for two years. The term of offices shall commence on the first Monday in May next after their election. Each of said officers shall continue in office for his respective term, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

Term of office, &c.

First election.

SEC. 2. On the first Monday of April next, the qualified voters of said city shall elect one mayor, one treasurer, one police justice, which said officers shall be qualified voters, resident in said city; and on the same day and at the same place of holding said election, the said qualified electors shall also elect three aldermen, one justice of the peace, one constable, and one asses-

discharge of his duties as assessor, and upon whom shall devolve all duties which now devolve upon the assessors of said city; and the said assessors shall have and possess the same powers that are or may hereafter be conferred upon township assessor, except so far as the same may be altered by the act of which this act is amendatory; and the said assessor shall be entitled to receive such compensation for his services as the common council of said city may from time to time determine; but in no case shall the said assessor receive more than one hundred dollars for the services of any one year.

Approved March 5, 1857.

Chapter 275.

An act to incorporate the City of Hudson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of city of Hudson

SECTION 1. That from and after the first Monday in April next, all that district of country included in section thirteen (13) and fractional sections fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25), and the north half of fractional section thirty-six (36), to the center of the main channel of Lake St. Croix, adjoining said fractional sections, in township number twenty-nine (29) north, of range number twenty (20) west, of the fourth principal meridian, being in the county of St. Croix, shall be known and designated as the City of Hudson, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever, and shall be competent to exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation.

Style and corporate powers.

Divided into three wards.

SEC. 2. The said city shall be divided into three wards, the boundaries of which shall be as follows, to wit: All that portion of said city of Hudson being south

of a line drawn through the center of Walnut street, from the western to the eastern boundary of said city, shall constitute the first ward. All that portion of said city being north of said line and south of a line drawn through the center of Division street, from the western to the eastern boundary of said city, shall constitute the second ward. All that portion of said city lying north of the second ward, shall constitute the third ward, but the city council shall have power to change said lines of division as they may deem proper.

Corporate authority of city vested in council.

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Term of office, &c.

First election.

SEC. 2. On the first Monday of April next, the qualified voters of said city shall elect one mayor, one treasurer, one police justice, which said officers shall be qualified voters, resident in said city; and on the same day and at the same place of holding said election, the said qualified electors shall also elect three aldermen, one justice of the peace, one constable, and one asses-

sor for each ward. The aforesaid officers shall be residents of their respective wards for which they are elected. At the first election of said city, it shall be held at Livingston's Hall, in the first ward; at Hendee's Hall, in the second ward; and at the Store of Alvin Boody, in the third ward. The voters present shall have power to proceed by nomination and *viva voce* election of three inspectors and two clerks, whose duties shall (after being sworn by any officer competent to administer an oath by the laws of this state) to see that said election shall be conducted in accordance with the laws of the State of Wisconsin, and any fraud or violation of said laws at said election, shall be punishable as any violation of the election laws in any part of said State; and at every subsequent first Monday in April, elections shall be held in the several wards for the officers above designated; and said election shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls, shall elect by *viva voce* a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn in accordance with the laws of this State. They shall appoint and swear two clerks, and shall see the names of the votes registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of the said returns to the clerk of city council, the other to the clerk of the of the circuit court of the county of St. Croix. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after the election, meet at the common council chamber, and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the person[s] elected to the respective offices. The returns of the first election shall be made to the clerk of the booard of supervisors for St. Croix county, who with two justices of the peace shall certify to, and notify the officers elected. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five in the afternoon.

Places of holding election and inspectors.

Aldermen to preside over elections, &c.

Clerks.

Return of votes.

Canvassers.

First returns.

To fill vacancy

SEC. 3. In the event of a vacancy in the office of mayor or aldermen, by death, removal, or other disability, the common council shall order a new election, and shall give five days notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected to fill a vacancy, shall hold his office and discharge the duties thereof, for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by ballot, &c.

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; all elections by the common council may at their option be *viva voce*. When two or more candidates for an elective office, shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they may direct.

Persons qualified to vote.

SEC. 5. All persons entitled to vote for state or county officers, and who shall have resided in the city for ten days preceding the election, and for ten days within the ward, where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Challenging.

SEC. 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector[s] or aldermen before receiving any such vote, shall in addition to the oath required by any general law in reference to elections, require the voter offering, to make oath that he has resided in the ward where he offers his vote, ten days next preceding the election, and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law, for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote (for) more than once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a

Oath.

False oath, &c.—fine.

discharge of his duties as assessor, and upon whom shall devolve all duties which now devolve upon the assessors of said city; and the said assessors shall have and possess the same powers that are or may hereafter be conferred upon township assessor, except so far as the same may be altered by the act of which this act is amendatory; and the said assessor shall be entitled to receive such compensation for his services as the common council of said city may from time to time determine; but in no case shall the said assessor receive more than one hundred dollars for the services of any one year.

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Style and corporate powers.

Divided into three wards.

SEC. 2. The said city shall be divided into three wards, the boundaries of which shall be as follows, to wit: All that portion of said city of Hudson being south

the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constable, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Hudson, a bond in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Bond of officers.

Sec. 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the State and ordinances of the city within the corporation, are duly enforced and observed; and that all officers of the city discharge their respective duties. He shall appoint the police force in such numbers as the common council shall direct, and in case of a riot, or disturbance of the peace, shall appoint temporary police. He shall communicate in writing, to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require. Mayor—his duty.

Sec. 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. President—his duties.

Sec. 4. The common council shall elect a city clerk; he shall keep the corporate seal and all the papers and records City clerk—duty.

and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules, and by-laws are hereby declared to be, and have the force of law; *Provided*, They are not repugnant to the constitution and laws of the United States, or of this State, and for these purposes shall have an authority by ordinances, resolutions or by-laws:

Proviso.

License.

1st. To license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors, and to revoke the same for a violation thereof; *Provided*, That the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the State, and that no license shall be granted for a less time than one year; *And provided further*, That no person thus licensed shall sell or give away any spirituous, fermented or vinous liquors on election days.

Provisos.

Gaming, &c.

2nd. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving, or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Riots, &c.

3rd. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for purposes of gaming.

Unclean places—to abate the same.

4th. To compel the owner or occupants of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5th. To direct the location and management of slaughter houses, and markets, and to prevent the erection, use or occupation of the same where the offal or fifth therefrom shall discharge into the waters of the lakes, and to establish rates for and license venders of gun-powder, and regulate the storage, keeping and conveying the same or other combustible material. Slaughter houses, markets, &c.

6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever. Incumbering streets, &c.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse-racing, bathing, &c.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. Horses, cattle, &c., at large.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance. Dogs at large.

10th. To prevent persons from bringing, depositing or having within said city, or placing in the lakes adjacent to the said city, any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins, of any kind, or on default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Putrid or unwholesome substances, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. Pounds, pumps, hacks, lamps, &c.

12th. To establish and regulate boards of health, provide hospital[s] and cemetary grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health, &c.

13th. To establish the assize and weight of bread, Weight of bread.

and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving in side walks. 14th. To prevent all persons riding or driving any horse or mule, cattle or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting off fire arms or crackers, &c. 15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizen thereof.

Obscenity, &c. 16th. To restrain drunkards, immoderate drinking or obscenity in the streets, or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Police. 18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets. 19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, meats, fish and other provisions.

Fuel, &c. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

To remove rubbish. 21st. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the side walks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Contagious disease, &c. 22d. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to

the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constable, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Hudson, a bond in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Bond of officers.

SEC. 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the State and ordinances of the city within the corporation, are duly enforced and observed; and that all officers of the city discharge their respective duties. He shall appoint the police force in such numbers as the common council shall direct, and in case of a riot, or disturbance of the peace, shall appoint temporary police. He shall communicate in writing, to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require. Mayor—his duty.

SEC. 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. President—his duties.

SEC. 4. The common council shall elect a city clerk; he shall keep the corporate seal and all the papers and records City clerk—duty.

or buildings of any kind, wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts of certain officers

SEC. 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, and all other officers and agents of the city, at such time as they may deem proper, and also, at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of this section, and shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the cummon council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

In case of refusal of any officer to exhibit his books &c. to be audited.

CHAPTER V.

Opening of Streets, &c.

To lay out public squares streets, &c., on petition.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders, residing in any one ward, shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or oc-

Notice of same to occupants of land.

year, and shall not be increased or diminished during the term such officer shall remain in office.

City printing.

SEC. 9. The common council shall annually provide that all printing authorized and required by them, to be done for their use or for the city, shall be let by contract to the lowest bidder, for the term of one year, but no bid therefor shall be considered, unless made by the publisher of a newspaper, printed and published in the city of Hudson, unless the bids of such publishers shall be higher than the rates of legal advertising, as fixed by law, or unless such publisher should fail to bid. All ordinances and other proceedings, required by this act, or by the by-laws, or ordinances of the common council, to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper, shall either in person or by his foreman, file with the clerk of the city, his or their affidavit, of the length of time said ordinance, by law, or proceeding had been published, and such affidavits shall be conclusive evidence of the publication of such notice, ordinance proceeding or by-law.

Failure to deliver property, moneys, &c., to successor—how punishable.

SEC. 10. If any person having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers, and all effects of every description in his possession, belonging to said city, or pertaining to the office, he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers, and effects, in the manner prescribed by the laws of the State.

Peace officers—duties.

SEC. 11. The mayor, sheriff, of St. Croix county, each and every alderman, justice of the peace, constable, and watchman, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies. If any person, by-stander, military officer, or private, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly

question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited therein.

Confirming report, and assessing damages.

SEC. 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

When there are buildings to determine loss and also value to remove.

SEC. 8. If there should be any building standing, whole or in part upon the lands to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Notice of determination to be served on owner.

SEC. 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident notice to all persons instructed shall be given, by publication in the official paper, three successive weeks; such notice shall specify the building and the award of the jurors; it shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken with the land appropriated, or their intention to remove such building, at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Acceptance by owners, &c.

In case of refusal—the city may sell building, &c.

SEC. 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days

notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Viewing of premises to determine value of real estate, &c.

SEC. 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will in their judgment be injured or benefitted thereby; after hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners, the value of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages and benefits—to strike a balance.

SEC. 12. If the damages to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner of owners respectively, and the difference only shall in any case be collected of them or payable to them.

In cases where land belongs to different persons.

SEC. 13. If the lands or buildings belong to different persons, or if the land be subjected to lease, judgment, or mortgage, or if there be any estate on it less than an estate in fee, the injury done to such person or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them from the proposed improvement.

Assessing of damages and expenses.

SEC. 14. Having ascertained the damage and expenses of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate, by them deemed benefitted, in proportion to the benefits resulting thereto from the proposed im-

provement, as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment.

Damages must be paid before land is taken, &c.

SEC. 15. The land required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor, to the owner thereof, shall be paid or tendered to the owner, or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys, and public grounds, heretofore opened and laid out.

Land under lease, &c.

SEC. 16. When the whole of any lot or tract of land, or other premises, under lease, or under contract, shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease, and be absolutely discharged.

Same.

SEC. 17. When only a part of a lot or tract of land, or other premises, so under lease, or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid, as to the residue thereof, and the rents, considerations and payments reserved payable, and to be paid, for or in respect to the same, shall be so proportioned, so that the part thereof, justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, in respect to the same.

Within what time damages must be paid.

SEC. 18. The damages assessed shall be paid or tendered, or deposited as herein required, within six months from the confirmation of such assessments and reports, and if not so paid, tendered and deposited, all the proceedings in any such case shall be void. The benefits so assessed from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurors to be benefitted by the

5th. To direct the location and management of slaughter houses, and markets, and to prevent the erection, use or occupation of the same where the offal or fifth therefrom shall discharge into the waters of the lakes, and to establish rates for and license venders of gun-powder, and regulate the storage, keeping and conveying the same or other combustible material. Slaughter houses, markets, &c.

6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever. Incumbering streets, &c.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse-racing, bathing, &c.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. Horses, cattle, &c., at large.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance. Dogs at large.

10th. To prevent persons from bringing, depositing or having within said city, or placing in the lakes adjacent to the said city, any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins, of any kind, or on default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Putrid or unwholesome substances, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. Pounds, pumps, hacks, lamps, &c.

12th. To establish and regulate boards of health, provide hospital[s] and cemetary grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health, &c.

13th. To establish the assize and weight of bread, Weight of bread.

and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving in side walks. 14th. To prevent all persons riding or driving any horse or mule, cattle or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting off fire arms or crackers, &c. 15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizen thereof.

Obscenity, &c. 16th. To restrain drunkards, immoderate drinking or obscenity in the streets, or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Police. 18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets. 19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, meats, fish and other provisions.

Fuel, &c. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

To remove rubbish. 21st. To compel the owners of buildings or grounds or the occupants where the same are occupied, to remove snow, dirt or rubbish from the side walks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Contagious disease, &c. 22d. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to

any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners; the contract for the construction of any such sidewalk, shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place and manner of securing such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; *Provided*, That no such contract shall be let until sixty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city. Proviso.

SEC. 6. All moneys expended by the common council in the improvement of streets, (sidewalks excepted,) shall be expended upon the streets in the several wards, in proportion to the relative value of taxable property assessed in the several wards, unless the common council shall otherwise unanimously direct. Improvement of streets.

CHAPTER VII.

Finances and Taxation.

SECTION 1. All funds in the city treasury exclusively belonging to the city shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council and in no other manner, and all orders drawn upon the treasurer, shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes. Funds of city under control of council.

SEC. 2. No debt shall be contracted against the city, or order drawn upon the city treasurer, unless the same shall be authorized by a majority of the common coun- No debt to be contracted unless authorized by council.

cil, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Forfeitures and penalties.

SEC. 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two thirds of all the aldermen elect.

Property subject to taxation

SEC. 4. All property, real or personal within the city, except such as may be exempt by the laws of the State, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; *Provided, however*, That the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or perfecting such rolls, as they may from time to time deem advisable.

Proviso.

Assessors—organization—their duties.

SEC. 5. On or before the first Monday in May of each year, the assessors shall meet at the common council chamber, and shall organize by electing one of their number chairman, who shall be authorized to administer such oaths as shall be necessary in the discharge of his duties as assessor, and on or before the first day of July of each year, the said assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to identify the same, and also of all persons, or bodies politic, liable to pay taxes on personal property, and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite to the name of each person or body politic, shall be affixed the value of personal property assessed to each. When there are buildings on any lot or tract of land, the value of the same shall be set forth separately, when so desired, by the

Private & Local Laws Ch. 275

owner thereof. The assessors may assess any lot or tract of land, in such parcels or subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. Any act done by a majority of the assessors, shall have the same force and effect, as if done by all the assessors elected under this act. The assessment shall be certified to by the chairman or a majority of the assessors, and such certificate shall be conclusive evidence of the organization of the assessors, and the election of such chairman. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Hearing parties aggrieved.

SEC. 6. On the first and second Monday's of July, and at such time and times as they may appoint, the assessors shall meet at the common council chamber, for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require.

Make return of assessment roll.

SEC. 7. On or before the last day of July, in each year, the assessors shall return their assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said tax except by the value of such real property as may have been omitted by the assessors.

Council approving same, &c.

SEC. 8. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council, on the first Monday of August in each year, or within ten days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of money necessary to be levied for school purposes, and shall, by resolution, levy the same, but no such resolution shall be adopted except by a vote of two thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes a lien.

SEC. 9. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be as-

sessed, and upon all personal property, of any person or body politic assessed for personal taxes from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal property, shall effect such lein; any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

City clerk to lay a copy before supervisors.

SEC. 10. Before the annual meeting of the board of supervisors of the county of St. Croix, and by the time required by the laws of the State for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before said board at their annual meeting.

Supervisors to equalize, &c.

SEC. 11. The board of supervisors shall have the right to regard the city of Hudson as a town, in equalizing the assessment rolls of the several towns of said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Supervisors may levy a tax, &c.

SEC. 12. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes to be levied to be certified to the city or city clerk, in the manner provided by law in relation to towns, or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town except as herein otherwise provided.

City clerk to make out tax list, &c.

SEC. 13. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the State, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council, since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called the tax list of the city of Hudson, and shall be preserved by said clerk as a record in his office, and

opening or widening of such street, alley or public ground.

When the owner is a minor, &c.

SEC. 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any legal disability, the judge of the circuit court of St. Croix county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council or such party, or his next friend, appoint a guardian for such party, and all notices required by this act shall be served on such guardian.

Confirming of report substituting jurors and their oath.

SEC. 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Appeal.

SEC. 21. Any person whose property is taken, or against whom any assessment is made, may within ten days from the return of jurors to the common council, appeal from said assessment of damages or benefits to the circuit court of St. Croix county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal.

Survey.

SEC. 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

Upon application council to cause new survey to be made.

SECTION 1. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade, or establish a new one, in such

street or part of street, set out in such application, as the public good may seem to require.

Persons not signing application have a right of action against city.

Proviso.

SEC. 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same; *Provided*, That no suit shall be brought against the city for the recovery of such damages until the application has been made to the common council, and said council shall have refused or neglected for three months to settle the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Senior aldermen to be street commissioners; power and duties.

SEC. 3. The senior alderman in office of the several wards, shall be street commissioner in his respective ward, and as such shall have power to require every resident of his ward, liable to work on the highways, by the laws of this State, to perform one day's labor each year in the streets in such ward; and in case any person shall neglect or refuse to perform such labor at such time and place as such commissioner shall direct, to assess, sue for and collect of every such person one dollar in lieu thereof, which shall be expended in improving or repairing the streets of his respective ward, by such commissioner.

Duties of street commissioners

SEC. 4. It shall be the duty of the street commissioner to see that all the ordinances of the city relating to the obstruction and cleansing of side walks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the lakes and water courses within their respective wards, are duly observed and kept, and direct and control the persons employed therein. The street commissioners shall have a general supervision over all work let by contract for the improvement of streets or side walks in their respective wards, unless the common council shall otherwise provide; each street commissioner shall annually report to the common council a correct statement of all moneys by him collected, under the provisions of the fourth section of this chapter, and the manner of expending the same.

Sidewalks—how constructed.

SEC. 5. Sidewalks shall be constructed upon the proper established grades of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order, shall direct, by the owner or owners of

and to cause the same to be removed, or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings, to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens, and other officers of the city, to keep away from the vicinity of a fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council shall deem expedient.

Fire engines, companies, &c.

SEC. 3. The common council shall have power to purchase fire engines, and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up; each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this State, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment; every member of each company hereby authorized to be formed, shall be exempt from highway work, poll tax, from serving on juries, and from military duty during the continuance of such membership.

Chief engineer and assistants.

SEC. 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer, and (their) [three] assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire wardens.

SEC. 5. At the same time the members of said company shall nominate, and the common council shall appoint the same, two first fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or open any house, storehouse, or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Penalties.

SEC. 6. One half of the nett proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation made in pursuance of this chapter, shall be paid to the fire department.

Punishment for disobeying orders of chief engineer, &c.

SEC. 7. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the constable, watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of every such person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company —duties.

SEC. 8. The common council shall have power to organize a sack company, which shall be known as Sack Company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Hudson, and are hereby vested with all the power and authority which now is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws

Private & Local Laws Ch. 275

owner thereof. The assessors may assess any lot or tract of land, in such parcels or subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. Any act done by a majority of the assessors, shall have the same force and effect, as if done by all the assessors elected under this act. The assessment shall be certified to by the chairman or a majority of the assessors, and such certificate shall be conclusive evidence of the organization of the assessors, and the election of such chairman. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Hearing parties aggrieved.

SEC. 6. On the first and second Monday's of July, and at such time and times as they may appoint, the assessors shall meet at the common council chamber, for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require.

Make return of assessment roll.

SEC. 7. On or before the last day of July, in each year, the assessors shall return their assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said tax except by the value of such real property as may have been omitted by the assessors.

Council approving same, &c.

SEC. 8. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council, on the first Monday of August in each year, or within ten days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of money necessary to be levied for school purposes, and shall, by resolution, levy the same, but no such resolution shall be adopted except by a vote of two thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes a lien.

SEC. 9. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be as-

Executions.

SEC. 5. Execution shall issue forthwith on the rendition of judgment, unless the same be staid or appealed according to the laws of this State. The execution, except in cases *ex-contractu*, shall require the defendant in any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be found, to be imprisoned in the jail of St. Croix county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

No person an incompetent judge, &c.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, on any proceeding or action in which the city shall be a party in interest.

In case of failure to hold election, &c.

SEC. 7. If any election by the people or common council shall not for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city, to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time, at which said acts may be done or performed.

Suits against city, &c.

SEC. 8. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, to take such other proceedings as the ordinances or resolutions of said council may provide.

City may hold real estate, &c.

SEC. 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

No law considered as repealing, &c.

SEC. 10. No general law contravening (to) [the] provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

When connection between

SEC. 11. From and after the second Monday of April, A. D., 1857, the connection between the town of Hud-

shall have the same legal force and effect as the records of the common council.

Said tax list prima facia evidence, &c.

SEC. 14. The tax list made out and preserved as aforesaid, shall be *prima facia* evidence in every court of record in this State, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done, regular, correct, and as required by law.

To transmit duplicate to treasurer for collection.

SEC. 15. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and said clerk shall, on or before the 25th day of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax list preserved in this office.

Treasurer to collect fees.

SEC. 16. The city treasurer, upon receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per cent. upon all other moneys paid out of the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

Treasurer to make return of lots on which taxes have not been paid.

SEC. 17. On or before the 15th day of February of each year, the said treasurer shall make out and return to the treasurer of St. Croix county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties, or fees,

council, and the minimum sum fixed by the laws of this State, to be paid for any such license, shall be paid to the city treasurer in money. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous, or malt liquors, on general or special election days.

Shall not sell or give away liquors on election days.

SEC. 16. Every person having such license, who shall vend, sell or give away any spirituous, vinious or malt liquor on any election day, shall be liable to prosecution under this act or the ordinances of the city, or may be indicted in the circuit court of St. Croix county, and upon conviction thereof any such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of St. Croix county not more than *thirty* days, nor less than ten days, at the discretion of the Court; and the licence held by such person shall be forfeited and void.

Must deposit a certain amount before commencing suits, &c.

SEC. 17. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of lands situated within the limits of the city of Hudson, held or claimed by virtue of any deed, purporting upon its face to be executed on account of any sale for taxes, or assessment, levied after the passage of this act, until the person commencing such a proceeding shall have deposited with the court in which such proceeding is, or shall be commnced for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges, paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deeds, and paid by such holder or claimant, together with twenty-five per cent. interest thereon, from the time of such payment to the commencement of such suit or proceeding; and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding, to the extent specified and prescribed in section 109, chapter 15, title 5, of the revised statutes.

SEC. 18. The use of the jail of St. Croix county, until otherwise provided, shall be granted to said city for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases. Use of county jail granted to St. Croix co.

SEC. 19. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied upon or sold, by virtue of any execution issued to satisfy or collect any debt, obligation, or contract of said city. Property of inhabitants not subject to sale for city debts.

SEC. 20. When a judgment shall be recovered against said city, or any ward thereof, or against any officer of said city, or of any ward thereof, in any action prosecuted by or against him in his name of office, when the same should be paid by the city, or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided, but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue execution, on special application therefor. Judgments against city, &c.

SEC. 21. This act shall be considered a public act, and shall be construed favorably in all courts and places. Public act.

SEC. 22. Chapter 519 of the private and local laws of 1856, entitled "An act to incorporate the city of Hudson," is hereby repealed. Repealing clause.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 276.

An Act to incorporate the village of Depere.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of village.

SECTION 1. That the district included within the following limits and boundaries, to-wit: Commencing at the channel bank of Fox river, on the north line of private claim number twenty-nine, east side, Fox river; thence along said north line in an easterly direction, to a point whereon said line intersects the Ridge road; thence southwardly in a straight line to the north-east corner of block number seventy in Dickinson's addition to Depere; thence south to the north line of private claim thirty-five; thence westwardly along said north line to the channel bank of Fox river; thence along said channel bank to the place of beginning, shall constitute the corporate limits of the village of Depere.

Government of village vested in trustees.

SEC. 2. The government of said village, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns, shall be vested in a president and six trustees, to be called the president and trustees of the village of Depere.

Election of village officers.

SEC. 3. On the first Tuesday of April next, and annually thereafter, there shall be elected in and for said village, one president, six trustees, and a superintendent of common schools. One of the said trustees shall be designated by the electors as supervisor, who by virtue of his office, shall represent said village in the board of county supervisors in the same manner as the several towns are represented, and should said supervisors at any time from any cause not be able to attend the meeting of the county board, the trustees may appoint one of their number to attend in his stead. There shall also be elected at the same time and place, two constables, one or more assessors as said trustees may determine, who shall hold their office one year, or until their successors are elected and qualified; there shall also be elected as aforesaid, two justices of the peace, who shall hold their office two years.

One of trustees to be supervisor.

Qualifications of electors.

SEC. 4. All officers provided for in the third section of this act, at the time therein provided, shall be elected by the voters, who shall have resided in said village at least three months next before the day of election, and having the qualifications of a voter for State and county officers. All officers provided for in this act either for election or appointment, shall be at least twenty-one years old, a citizen of the United States, and shall have resided at least one year in said village of Depere, next before their election or appointment, and in case the election as provided in this act, should from any cause not be held at the time provided, such failure shall not arrest, suspend, or dissolve this corporation, but such election may be held at any time thereafter when any five legal voters shall give ten days notice, by written or printed handbills, put up in three of the most public places in said village, of the time of holding such election and of the officers to be elected.

In case of failure to hold election.

Place of holding first election.

SEC. 5. The first election for officers provided for in this act, shall be held at the court house in said village, and the polls shall be opened between the hours of nine and ten, A. M., and continue open till four o'clock, P. M., and the voters present at the time of opening, shall proceed to elect by ballot, or otherwise, at the first election under this act and at no other, one moderator, one inspector, and one clerk from among themselves, whose duty it shall be to receive and count all the votes which may be given in the same manner as is provided in county and town elections. The names of all the officers voted for, as provided for in this act, shall be on one slip of paper, either written or printed, or partly written and partly printed, with the office for which such person is voted for, and the person or persons receiving the highest number of votes for any office or offices, shall be declared by the moderator duly elected, and such persons shall hold their office for one year, or until others are elected and qualified.

Inspectors, &c.

Names of officers to be on one slip of paper, &c.

Bond of treasurer and other officers, and oath of office.

SEC. 6. The village treasurer before entering on the duties of his office, shall execute to the trustees a bond, in such penal sum as the said trustees may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hands, as such treasurer; also for the faithful performance of all his official duties; and all officers elected or appointed by virtue of this act, excepting the

president and trustees, who shall only take the oath of office before entering upon the duties of their offices, shall give bonds, take and subscribe an oath to support the constitution of the United States, and of the State of Wisconsin, and to faithfully perform the duties of their respective offices, which oath, together with all official bonds, shall be filed in the clerks office.

Chief of police, &c.

SEC. 7. The president shall be the chief executive officer, and head of the police of the village; he shall sign all commissions and permits which may be granted by the trustees; shall maintain peace and good order, and see that the laws of the State and ordinances of the village, are observed and executed; shall surpress riots and other public disturbances; he may appoint, with the approbation of the trustees, as many special constables as he may deem proper; he shall also preside at the meetings of the trustees, if present, and have the casting vote, but no other.

Meetings of trustees, power to preserve order, &c.

SEC. 8. The trustees shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner, by fine or imprisonment, all disorderly or disrespectful conduct in its presence, and also to compel pecuniary penalties for the non-attendence of its members. They may adopt rules for their proceedings, and keep a record of all their transactions, which shall be open to the inspection of any citizen when desired, and the place of holding their meetings shall at all times be open to the public.

Peace officers.

SEC. 9. The president and each and every trustee, marshal, justices of the peace and constables, shall be officers of the peace, and they are by virtue of their offices, empowered to suppress in a summary manner, all rioting and other disorderly conduct, according with the ordinance of the village or the laws of the State.

Marshal—his power and duty.

SEC. 10. A marshal [shall] be appointed by the trustees, who shall continue in office during the pleasure of said trustees; before entering upon the duties of his office, he shall comply with the provisions of this act; he shall possess all the powers of constables, and be subject to the same liabilities; it shall be his duty to apprehend, with or without process, any person whom he may find in the act of committing offence against the laws of the State, or ordinances of the village, and forthwith bring such person or persons before any officer of competent jurisdiction for examination and con-

viction; and for all such services, he shall receive such fees as are allowed to constables for like services.

Justices of the peace.

SEC. 11. All justices of the peace, elected by virtue of this act, shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations as justices of the peace of towns.

Superintendent of schools.

SEC. 12. The superintendent of schools, elected by virtue of this act, shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations as superintendents of towns.

Clerk and his duty.

SEC. 13. The trustees shall appoint a clerk who shall attend the meetings of said trustees and keep a record of the proceedings, and also a faithful record of all their doings and the votes of the inhabitants, at the regular and special meetings; he shall perform such duties as shall be lawfully required of him by the trustees, who shall fix and prescribe the salary thereof; the record kept by said clerk shall be evidence in all legal proceedings, and copies of all papers required by law to be filed in his office, and transcripts from the records of proceedings of the trustees, certified by him and under the seal of the corporation, shall be evidence in all courts and places.

Treasurer to be collector of taxes, &c.

SEC. 14. The treasurer of said village shall be also the collector of taxes levied for State, county and village purposes, and shall perform all such duties and exercise all such powers as may be lawfully required of him by the ordinance of the trustees or the laws of the State. All moneys received by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the village, shall be paid into his hands, and shall not be drawn therefrom except by an order signed by the president, ordered by the trustees and attested by the clerk; he shall keep an accurate account of all moneys coming into his hands as treasurer; he shall, as often as required by the trustees, render an account of receipts and expenditures, and at the expiration of his term of office, shall hand over to his successor in office all moneys, books, papers and other property in his possession belonging to said office. The said treasurer shall have the same powers, and make his return to the county treasurer—be subject to the same liabilities and laws, and receive the same compensation as town treasurers.

General powers of trustees.

SEC. 15. The trustees shall have power to enact, establish, publish, alter, modify, amend, repeal and enforce all such rules, by-laws and ordinances, for the government and good order of the village, for the suppression of vice and immorality, preventing fires, for the promotion of health, removal of nuisances, and for the benefit of trade and commerce, as they may deem expedient; declaring and imposing penalties and to enforce the same against any person or persons who may violate the provisions of such rules, by-laws or ordinances as have been duly passed, adopted and published, by putting up within said village three handbills, written or printed, in three of the most public places, at least two weeks prior to the taking effect thereof, and all such rules, by-laws and ordinances are hereby declared to be and have full force of law: *Provided*, They be not repugnant to the constitution and laws of the United States or of this State. The trustees shall have power:

Licenses.

1st. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous or intoxicating liquors, and to license and regulate the exhibition of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities, all caravans, circuses, and theatrical performances, and to establish the price in all cases, except where the same may be fixed by law.

Gaming.

2nd. To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing with dice, cards, or other games of chance, for gain.

Riots, &c.

3rd. To prevent riots, noise, disturbances or disorderly assemblies, to suppress and restrain disorderly houses or groceries and houses of ill fame, to authorize the destruction of all implements or devices for the purpose of gaming.

, &c.

4th. To direct the location and management of all slaughter houses and markets; to regulate the storage and keeping of gunpowder and other combustible materials.

5th. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places for bathing or swimming.

ge.

6th. To restrain the running at large of cattle, swine, horses, sheep, geese and poultry, and to authorize the distraining and sale thereof.

7th. To prevent the running at large of dogs, and to authorize their destruction in a summary manner when at large contrary to regulations, and to impose a tax on the same at their discretion. Dogs at large.

8th. To establish and regulate boards of health, provide hospitals, cemeteries, and regulate the burial of the dead, and the returns of bills of mortality. Boards of health.

9th. To procure fire engines, buckets, hooks and ladders, and other implements for extinguishing fires; prescribe and regulate the material of which houses shall be built within certain limits, and the manner of erecting chimneys, to remove chimneys and stove pipes which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings to provide and keep suitable ladders and fire buckets; to direct the safe deposit of ashes; to appoint fire wardens and prescribe their duties and compensation. Fire engines, fire limits, &c.

10th. To regulate the building of wharves and bridges and provide for the security and protection of the same. Wharves, &c.

11th. To prevent all persons from riding, driving or leading any horse or other animal, on the side walks within the limits of the village, and from doing any damage to the same. Driving on side walks.

12th. To prevent the discharge of fire-arms, rockets or crackers, or the exhibition of any fireworks which may endanger the persons or property of the inhabitants of the village. Fire arms, rockets, &c.

13th. To restrain drunkards or immoderate drinking, or obscenity in the streets, or any public places, and provide for arresting, removing, and punishing any person or persons who may be found guily of the same. Obscenity, &c.

14th. To regulate the place and manner of weighing hay, of measuring and selling wood, lumber, timber, lime and sand, and when necessary, to appoint suitable inspectors and surveyors to superintend the same. Hay and fuel.

15th. To protect trees and monuments within the village. Trees and monuments.

16th. To prevent the depositing within any waters of the village any dead carcass, or filth of any kind, and prescribe penalties therefor. Putrid substances.

17th. To regulate compensation of all officers not provided for, except their own. Compensation of officers.

18th. To have a common seal, and alter the same at pleasure. Seal.

Real estate.

19th. To purchase, lease, hold, and convey any estate, real or personal, for the use of the village.

Publishing rules, &c.

SEC. 16. The affidavit of the clerk of the fact that he did put up hand bills publishing such rules, resolutions or ordinances, as had been passed and adopted by the trustees, at least two weeks before their taking effect and put on record, shall be *prima facie* evidence that the provisions of this act have been complied with.

No person an incompetent judge.

SEC. 17. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant or freeholder in said village, in any action in which the village is a party or interested.

Suits for violation of ordinances.

SEC. 18. In all suits for the violation of any ordinance of said village, the process may be by summons or warrant, and it shall be sufficient, without setting the special matter, to declare generally in debt with reference to the ordinance under which the action is brought. The defendant may plead the general issue and give the special matter in evidence. The provisions of this section shall have no force nor effect after the act commonly called the "Code," takes effect.

Imprisonment in certain cases.

SEC. 19. Every specification issued upon any judgment for the violation or non-observance of any ordinance or by-law of said village, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of Brown county, for such time as shall have been provided by the ordinances under which the judgment shall have been rendered. All fines, penalties and forfeitures, for the breach of any law or ordinance, when collected, shall be paid into the village treasury for the use of the village.

Service of process against village.

SEC. 20. When an action or suit shall be commenced against the village, the service thereof, may be made by leaving an attested copy of the process, with the clerk or president, and it shall be the duty of the person with whom such process is left, forthwith to inform the trustees thereof.

Trustees to settle claims against village

SEC. 21. The trustees shall settle all just claims and demands against the village, and pay the same by order on the treasurer, and also settle with the treasurer annually, and publish accounts of receipts and expenditures.

Officers.

SEC. 22. The trustees shall have power to appoint, and at their pleasure to remove, the following officers,

and such others as may be deemed necessary to carry out the powers conferred by this act, to-wit: One marshal for the village, one chief warden for the fire department, and as many assistants as may be deemed necessary, one or more street commissioners, and prescribe their duties and compensation, and to inflict fines and penalties for any malfeasance in office.

May extend time to perform acts, &c.

SEC. 23. If any of the duties enjoined by this act, at any time herein specified, or specified by any ordinance of the trustees, are not then done, the trustees may appoint some other time when the said duties may be done; *Provided*, The officer so failing, shall not be exonerated from prosecution or fine for neglect of performing their duties.

To fill vacancy

SEC. 24. Whenever the office of any person elected, under the provisions of this act, shall become vacant, from any cause whatsoever, the same may be filled by special election, to be held at such time and place as the trustees may designate, and the person or persons so elected, shall fill the vacancy during the remainder of the term of his predecessor.

Fire companies, &c.

SEC. 25. The trustees shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, provide for the due and proper regulation of the same, and disband any such companies, at any time, and prohibit their meeting as such, when disbanded. All companies formed by authority of the trustees, shall be officered and governed by their own laws; *Provided*, Such by-laws be not inconsistent with the laws of this State, or with the ordinances and regulations of the village. Every member of any such company in said village, shall be exempt from serving on juries, and from poll tax and military duty, except in case of war, invasion, or insurrection, and whenever a member of either of the companies aforesaid, shall have served therein ten years, he shall be entitled to a discharge, signed by the president, and shall thereafter be exempt as aforesaid.

Proviso.

Exempt from certain duties.

Grading, &c.

SEC. 26. Upon the application of two thirds of the resident owners, upon any street or part of a street, the trustees shall have the power to cause to be graded, gravelled, paved or planked, any street or part of a street within said village, and to levy and collect a specified tax on lots and lands bordering and fronting on such street or sidewalk, in proportion to the front and

size of such lots, respectively, for the purpose of defraying the expenses of the same, in addition to the ordinary tax authorized by this act, to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the trustees to provide by ordinance for the assessing, correcting and equalizing such special tax.

Poll tax, &c. SEC. 27. The trustees shall have power to tax each male person, who by the laws of the State, is subject to perform highway work or labor, not to exceed two days labor on the streets of said village, but any such person may at his option pay at the rate of one dollar per day, for every day he may be bound to labor, which money and labor shall be expended by the street commissioner, under the direction of the trustees, and in default of the payment of such money or labor, the street commissioners may sue for, and collect such money, in the name of the village of Depere, with fifty per cent. damages on the same, together with costs of suit before any justice of the peace. The said trustees shall also have power to levy a tax on all assessed property within said village, for the purpose of repairing and improving streets in said village, to be taken from their last assessment roll, to be expended under the order of the trustees; *Provided*, That said tax shall in no one year, exceed three mills on the dollar, valuation.

Annual tax. SEC. 28. For the discharge of any debts against said village, or expenditure authorized by the trustees, under the provisions of this act or ordinance of said trustees, the trustees shall have power to levy and collect, annually, a tax on all such real estate and personal property, or capital of any kind within said village, subject to taxation, by the laws for levying State and county taxes, for the time being; *Provided*, That such tax shall not in any year exceed one per cent. on the dollar of the assessed value of such property.

Special tax. SEC. 29. Special taxes for the purchase of fire engines, or for the purchase of cemeteries, or for improving the same, for the burial of the dead, may be voted at any regular or special meeting of the voters. But no vote shall be taken unless such tax be first recommended by the said trustees, and a notice of the same, specifying the purpose for which said tax is to be raised, and the time and place for voting, be published at least

ten days before such meeting, by three or more hand-bills, put up in public places by the clerk, or in some newspaper published in said village.

Assessors.

SEC. 30. The assessor or assessors elected or appointed by the provisions of this act, shall in all things, pertaining to their office, be governed by the same laws as assessors of towns.

When connection between city and village ceases.

SEC. 31. On the first Tuesday in April next, all connection between the town of Depere and the village of Depere, for town purposes, shall be dissolved, and the duties now or hereafter imposed upon the supervisors, and other officers of towns, shall be imposed on the officers of the village of Depere, and so much of the town of Depere as is not included in the limits of said village, shall continue to constitute the town of Depere, for the purpose of town and county government, and they shall at the next town meeting or election, fix their place of meeting, by a vote of the electors at the town meeting.

Debts of town, &c.

SEC. 32. After the first Tuesday of April next, the amount of funds remaining, or debts due, as the case may be, from said town as now constituted, shall be proportioned between said town and village, according to the amount of property in each, as taken from the assessment roll.

Public act.

SEC. 33. This act may be amended, altered, or repealed, by the legislature, but shall be considered a public act, and shall be in force from and after its passage, and at all elections under this act, after the first, the president and clerk, and one trustee, designated by the trustees for that purpose, shall constitute a board of inspectors, at such election.

Inspectors.

Approved March 6, 1857.

Chapter 277.

An Act to incorporate the village of Waupun.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Territory of village of Waupun.

SECTION 1. That all that certain tract of land known and as the north-west quarter of the north-west quarter of section four (4,) and the north one half of section five (5,) and the east half of the north-east quarter of section six (6,) township thirteen (13,) north of range fifteen east, in the town of Chester, in the county of Dodge, and the south-west quarter of the south-west quarter of section thirty-three (33,) and the south half of section thirty-two (32,) and the east half of the south-east quarter of section thirty-one (31,) township fourteen (14,) north of range fifteen (15) east, in the town of Waupun, in the county of Fond du Lac, shall hereafter be known and designated as the village of Waupun, and the inhabitants residing or who may hereafter reside within said village, are hereby constituted a body corporate to be known and recognized by

Style.

the name or title of "the president and trusteess of the village of Waupun," and by said name or title they and their successors forever, shall and may have perpetual succession, and shall be persons in law capable

Corporate powers.

of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all suits whatsoever, and in all suits against said corporation, the first process shall be by summons, and an attested copy thereof shall be served upon the president or clerk of the corporation at least ten days previous to the return day thereof.

Division into wards.

SEC. 2. The village of Waupun shall be divided into two wards, to-wit: All that part of said village lying and being in said town of Chester and county of Dodge, shall constitute one ward, and shall be known and designated as the south ward, and all that part of said village lying and being in the town of Waupun and county of Fond du Lac, shall constitute one ward, and shall be known and designated as the north ward; and

all taxes hereafter levied and collected by the board of trustees hereinafter named for the purpose of making or repairing bridges, grading or improving roads, streets, alleys, sewers, or sidewalks, in said village, shall be expended within the limits of each ward respectively, in which the same has, or may be assessed and collected, and all property within the limits of said village shall, and the same is hereby forever exempted from paying a road tax in any town or township in this State.

First election of officers.

SEC. 3. It shall be lawful for the qualified electors of said village to meet at the school house in the south ward, and at the Exchange Hotel in the north ward of said village, on the first Monday in April, A. D., 1857, and on the first Monday of April annually thereafter, at such places as the board of directors shall appoint, and then and there proceed by plurality of votes, to elect by ballot a president who shall be *ex officio* a trustee, four trustees, treasurer, marshal, two assessors, two supervisors, two justices of the peace, and one superintendent of schools, who shall hold their offices for one year, and until their successors are elected and qualified, except the justices of the peace, shall hold their office for two years, as hereinafter provided; all of said officers to be electors of their respective wards; the south ward electing two trustees, one assessor, one supervisor, and one justice of the peace, and the north ward electing two trustees, one assessor, one supervisor and one justice of the peace; one of the trustees, when elected, of each ward, shall reside west of the Milwaukee and Horicon railroad running through said village; and the president every other year, shall when elected, reside west of the line of said railroad; and no person shall be eligible to the office of president or trustee, unless he is an elector and a free holder in said village, and in all cases he shall possess the qualifications prescribed by law, in relation to electors.

First meeting of trustees.

SEC. 4. At the first meeting of the trustees, (which shall be within ten days after the election), they shall, by ballot, elect a clerk, who may hold his office for one year and until his successor is elected and qualified, being subject to be removed at any time by vote of a majority of the trustees of both wards; and who shall receive the same compensation for like services as is by law allowed to town clerks.

Manner of choosing first judges and clerk of election.

SEC. 5. At the first election to be held under this act, the electors of each ward, respectively, who shall be present, shall choose *viva voce*, two judges and a clerk of said election, who shall each take an oath or make affirmation, faithfully to discharge the duties required of him by this act; and it shall be the duty of the clerk of election in and for the south ward, to make and deliver a full return of the election in said ward, to the clerk of the election in and for the north ward, as soon as may be after the election; and it shall be the duty of said last named clerk, to make out a full statement of the election, to be returned to the board of trustees at their first meeting, and to notify within three days after the election, all persons elected under this act.

President to call meeting of trustees and their duty.

SEC. 6. It shall be the duty of the president elect to call a meeting of the trustees elect, to assemble within the time aforesaid, at such time and place as he may designate, and at all subsequent elections, the trustees of each ward shall be judges of elections in their respective wards, if present, if not, the electors present may choose judges thereof *viva voce;* and the clerk, if present, shall be clerk of the election in that ward in which he may reside, and if not present, the judges of the election may choose a clerk, and in the other ward, the said judges shall appoint a clerk of the election; and at all elections held under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at four o'clock in the afternoon of said day, and at the close of the polls the votes shall be publicly counted, and a true statement of the result proclaimed to the electors present by one of the judges; and it shall be the duty of the clerk appointed by the judges of election, to make out and return, as soon as may be, to the clerk of the board of trustees, a full and true statement of the election in the ward wherein he shall have been clerk; and the clerk of the board of trustees shall make a true entry of the election, and within three days after such election, notify the persons elected of their election respectively, and in case any two or more persons shall receive the same and the highest number of votes for any office herein named, at any election, it shall be decided by lot who of such persons shall fill such office, to be decided by the judges of election; and it shall be the duty of the

clerk, to publish, at least ten days previous to the day of holding such election, by posting a notice in at least three public places in each ward of said village, or by publication in a newspaper published in said village, as the board of trustees may direct.

To fill vacancies.

SEC. 7. In case of a vacancy or vacancies in any of the offices herein named, it shall be the duty of the board of trustees to fill the same by appointment, except the office of justice of the peace, which shall be filled as hereinafter provided; *Provided*, The office of president shall be filled by a trustee, and the office of trustee shall be filled by a person eligible to such office, to be chosen by the trustee or trustees of the ward in which such vacancy shall have occurred.

Proviso.

Justice of the peace—to fill vacancy.

SEC. 8. In case of a vacancy in the office of justice of the peace, it shall be the duty of the president to call a special election to fill such vacancy, in the ward in which the same may occur, by causing to be posted up a notice in three or more of the public places in said ward, at least ten days previous to said election.

Oath of office.

SEC. 9. Every officer elected under this act, or appointed by virtue or in pursuance of its provisions, shall, within ten days after his election or appointment, and before he enters upon the duties of his office, take and subscribe an oath or affirmation in the form following, which oath or affirmation shall be filed in the office of the clerk of the board of trustees: I do solemnly swear, or affirm, that I will support the constitution of the United States and the constitution of the State of Wisconsin, and faithfully discharge the duties of ——— of the village of Waupun, according to the best of my ability; and the treasurer and marshal, before they enter upon the duties of their offices, shall execute and deliver a bond to the president and trustees, in such sum and with sureties and conditions as a majority of said trustees may direct.

President to preside at meetings of trustees.

SEC. 10. It shall be the duty of the president to preside at all meetings of the trustees, but he shall have none other than a casting vote, and to see that the by-laws and ordinances are duly observed and enforced.

Clerk to record returns of elections, &c.

SEC. 11. It shall be the duty of the clerk to record the return made to the board of trustees of the elections had under this act; to transmit immediately after the qualifying of any marshal chosen or appointed, and after the election of any justice of the peace in said

village, to the clerk of the circuit court of the county of Dodge and Fond du Lac, the name of such marshal and justice; to keep a record of the doings of the board of trustees, and of the by-laws, ordinances, and regulations, and also the doings and votes of the electors of said village at their annual and other elections, and to keep on file, and preserve all papers, which may be ordered on file by the trustees. He shall also make out all taxes for village or other purposes within said corporation. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same.

Records of clerk evidence &c.

Treasurer—his duty.

SEC. 12. The treasurer of said village shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and give the person paying the same, his receipt therefor; all moneys shall be drawn from the treasury by warrant, under the corporate seal, signed by the president by order of the trustees, and countersigned by the clerk, who shall keep a record thereof, and every such warrant shall set forth, for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatsoever. He shall keep a just and accurate account of all moneys and other things coming into his hands, as treasurer, in a book to be provided by the corporation for that purpose, which book shall be, and remain the property of the corporation, and in said book he shall note the time when, the person from whom the amount of the several sums were received and the source from whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out, and said book shall at all reasonable times be opened to the inspection of the voters of said village; and the said treasurer shall annually and as often as they shall require, render to the board of trustees, a minute account of all his receipts and disbursements. And the said treasurer shall be collector of taxes within the corporation, except such as are hereafter required to be collected by the marshal, and he shall possess all the powers, and perform the duties as such collector, as is, or may here-

ten days before such meeting, by three or more hand-bills, put up in public places by the clerk, or in some newspaper published in said village.

Assessors. SEC. 30. The assessor or assessors elected or appointed by the provisions of this act, shall in all things, pertaining to their office, be governed by the same laws as assessors of towns.

When connection between city and village ceases. SEC. 31. On the first Tuesday in April next, all connection between the town of Depere and the village of Depere, for town purposes, shall be dissolved, and the duties now or hereafter imposed upon the supervisors, and other officers of towns, shall be imposed on the officers of the village of Depere, and so much of the town of Depere as is not included in the limits of said village, shall continue to constitute the town of Depere, for the purpose of town and county government, and they shall at the next town meeting or election, fix their place of meeting, by a vote of the electors at the town meeting.

Debts of town, &c. SEC. 32. After the first Tuesday of April next, the amount of funds remaining, or debts due, as the case may be, from said town as now constituted, shall be proportioned between said town and village, according to the amount of property in each, as taken from the assessment roll.

Public act. SEC. 33. This act may be amended, altered, or repealed, by the legislature, but shall be considered a public act, and shall be in force from and after its passage, and at all elections under this act, after the first, the president and clerk, and one trustee, designated by the trustees for that purpose, shall constitute a board of inspectors, at such election. Inspectors.

Approved March 6, 1857.

ward, that are conferred upon the chairman of the board of supervisors of each town.

Marshal—his duty.

SEC. 15. The marshal before he enters upon the duties of his office, and within ten days after his election and appointment, shall execute an instrument in writing, with two or more sufficient sureties, to be approved by the president, conditioned to pay to each and every person who may be entitled thereto, all such sums of money as the said marshal may become liable to pay, for or on account of any moneys which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said village; and the said marshal shall possess all of the powers, and enjoy all of the rights of a constable in either of the towns of Waupun or Chester, and be subject to the same liabilities; he shall have power to serve and return summons, attachments, replevins, executions and all other writs issued by any justice of the peace, in either of the counties of Dodge and Fond du Lac, and his return properly certified thereon, shall be evidence of the service thereof; it shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said village, and he may serve the same in any part of the State of Wisconsin; it shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of said State; to apprehend any person in the act of committing any offence against the laws of this State, or ordinance of the village, and forthwith to bring such person or persons before competent authority for examination, and for all services he shall receive like fees as allowed to constables; he shall also do and perform all such duties as may lawfully be required of him by the ordinances of said village, and he shall have power to appoint one or more deputies, to be approved by the president, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of the duties.

Justice of the peace.

SEC. 16. The justice of the peace shall hold his office for two years, from and after the first Monday in May next succeeding his election, except when elected to fill a vacany, in which case he shall hold during the unexpired portion of such term. He shall, before he enters

upon the duties of his office, take and subscribe his oath of office before some officer authorized to administer oaths, and shall also execute two documents in writing, each to have two or more sufficient sureties, to be approved by the president, in the form and manner required by law of justices of the peace. The approval of the sureties shall be endorsed upon such instruments, and the said justices shall cause one, together with his oath of office, to be filed in the office of the clerk of the circuit court of the county of Dodge, and the other with, said oath of office, to be filed in the office of the clerk of the circuit court of the county of Fond du Lac, and a copy of said instrument, duly certified by either clerk, shall be *prima facie* evidence of the contents and execution thereof. The justice of the peace in each ward shall have jurisdiction in all cases, civil and criminal, arising within said corporation, and also within the counties of Dodge and Fond du Lac, to hear, try, examine and determine the same in the manner provided by law; *Provided*, That in cases of appeal, *certiorari*, or an examination in which a justice of the peace has not final jurisdiction, the papers shall be transmitted to the circuit court of the county in which the cause of action originated, in the manner provided by statute. Proviso.

SEC. 17. It shall be the duty of the superintendent of schools of said village, to visit the schools therein, to examine all persons making application for said schools, and to grant them certificates to teach therein, and the certificates granted by him shall be evidence that the person or persons to whom the same was given, are duly qualified, and he may, by giving any teacher within said village ten days notice, annul said certificate. In all cases of a division or alteration of any school district, a part of which shall be situated within said corporation, the superintendent of schools thereof shall be associated with the superintendents of the towns authorized to make such alteration or division, and no alteration or division shall be made without his approval. School superintendent—duty.

SEC. 18. It is hereby provided and expressly declared, that all the territory situate within said corporation, shall be distinct and separate for all purposes whatsoever, from the town of Chester and Waupun, except that the school district board, situate wholly or in part Territory district and separate except for school purposes.

within said corporation, shall make their report to the superintendents of common schools of the towns of Chester and Waupun respectively, as now required by law so to do, and without any regard to the provision of this act. And the superintendent of each of the said towns shall apportion the money among the districts thereof, in the same manner as if the corporation did not exist.

Inspectors of election.

SEC. 19. At all general elections the supervisors and trustees of said ward shall be the inspectors, and in case of the death, absence, or refusal to act of any or all of the inspectors, the electors present may choose, *viva voce*, from the qualified electors of the ward, such number, as together with the inspector or inspectors present, if any, will constitute a board of three; and the person so chosen shall be authorized to act as inspector at that election. The clerk of said village shall be clerk of the general election in the ward in which he resides, and before opening the polls, the inspectors of his ward shall appoint another competent person to be clerk of the election, and the inspectors in the other ward shall appoint two such clerks; *Provided*, That no person shall act as clerk of the election, who is not a qualified elector of the ward in which he is appointed.

Clerks of election.

Proviso.

Supervisor chairman of election ward.

SEC. 20. The supervisor of each ward, if present, shall be chairman of the election board, but if he be absent, such one of their number as the inspectors shall appoint shall be chairman of said board.

Inspectors and clerks to take an oath.

SEC. 21. Previous to receiving any votes, the inspectors and clerks of election shall severally take an oath or affirmation as by law required, and they shall be governed in conducting the election, canvassing and returning votes, by the statute in such case made and provided. The canvass being completed, the inspector shall draw up a statement of the result in writing, and cause a duplicate thereof to be made, which statement and duplicate they shall certify to be correct, and subscribed with their names; one of said statements shall be delivered to the clerk of said village to be filed and preserved by him, and the other shall be sealed up and transmitted to the clerk of the board of supervisors of the county in which the ward is situated, in the manner provided in chapter six of the revised statutes.

Make return of canvass.

Annual tax for support of schools.

SEC. 22. The supervisor of each ward, shall assess by tax annually, for the support of common schools

clerk, to publish, at least ten days previous to the day of holding such election, by posting a notice in at least three public places in each ward of said village, or by publication in a newspaper published in said village, as the board of trustees may direct.

To fill vacancies.

SEC. 7. In case of a vacancy or vacancies in any of the offices herein named, it shall be the duty of the board of trustees to fill the same by appointment, except the office of justice of the peace, which shall be filled as hereinafter provided; *Provided*, The office of president shall be filled by a trustee, and the office of trustee shall be filled by a person eligible to such office, to be chosen by the trustee or trustees of the ward in which such vacancy shall have occurred.

Proviso.

Justice of the peace—to fill vacancy.

SEC. 8. In case of a vacancy in the office of justice of the peace, it shall be the duty of the president to call a special election to fill such vacancy, in the ward in which the same may occur, by causing to be posted up a notice in three or more of the public places in said ward, at least ten days previous to said election.

Oath of office.

SEC. 9. Every officer elected under this act, or appointed by virtue or in pursuance of its provisions, shall, within ten days after his election or appointment, and before he enters upon the duties of his office, take and subscribe an oath or affirmation in the form following, which oath or affirmation shall be filed in the office of the clerk of the board of trustees: I do solemnly swear, or affirm, that I will support the constitution of the United States and the constitution of the State of Wisconsin, and faithfully discharge the duties of ——— of the village of Waupun, according to the best of my ability; and the treasurer and marshal, before they enter upon the duties of their offices, shall execute and deliver a bond to the president and trustees, in such sum and with sureties and conditions as a majority of said trustees may direct.

President to preside at meetings of trustees.

SEC. 10. It shall be the duty of the president to preside at all meetings of the trustees, but he shall have none other than a casting vote, and to see that the by-laws and ordinances are duly observed and enforced.

Clerk to record returns of elections, &c.

SEC. 11. It shall be the duty of the clerk to record the return made to the board of trustees of the elections had under this act; to transmit immediately after the qualifying of any marshal chosen or appointed, and after the election of any justice of the peace in said

village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, to pull, break down and raze such buildings in the vicinity of fires as shall be directed by the trustees or any three of them who may be at the fire, for the purpose of preventing communication with other buildings, and every building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water works, and regulate the use thereof, and generally to establish other measures of prudence for the preservation or extinguishment of fires, as they may deem proper.

Nuisances and health of village.

2nd. To prevent, abate, and remove nuisances, and to take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter house, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of said village.

Licenses.

3rd. To establish rules for and license and regulate taverns, groceries and victually houses, and all persons retailing in spirituous, vinous or fermented liquors;

Proviso.

Provided, That no tavern or hotel keeper shall pay less than twenty-five dollars or over fifty dollars for said license per annum, and no grocery keeper or other dealer therein shall pay less than fifty or over one hundred dollars for his license each year, except for the sale of lager beer, which may be sold upon such terms and under such regulations as said board may prescribe: except also, the said board may license one apothecary shop in each ward to sell spirituous or other liquors for medicinal or mechanical purposes only, who shall pay not less than ten nor over twenty-five dollars for said license; and to license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, under the ordinances or common law.

Gaming.

4th. To prohibit and restrain all description of gaming and fraudulent devices and practices, and playing of cards, dice, and other games of chance for the purpose of gaming in said village.

after be conferred upon town treasurers. He shall, in the same manner, before receiving the assessment rolls of the respective wards, execute his bond to the treasurer of Fond du Lac county, and also to the treasurer of the county of Dodge, which bond shall be approved by the president of the village, and upon filing the same the treasurers of the respective counties shall give him a receipt therefor, and upon filing the said receipt with the clerk of the said corporation, the said clerk shall deliver the assessment roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county treasurer of his county, receiving the same compensation for his services as allowed to town treasurers.

Assessors—their duty.

SEC. 13. The assessors in each ward between the first day of June and the first day of July in each year shall ascertain by diligent enquiry the names of all the taxable persons, and also their taxable personal property, and all taxable real estate therein, on the first day of June of each year, and shall make out two assessment rolls of all such taxable property, and appraise the same at the value, and in the same manner as town assessors are required to do; the assessor of each ward may require any person giving in the amount or list of his taxable property, to make oath before him, that the same is full and correct, and any person refusing to make such oath, shall not be permitted afterwards to reduce the valuation made by such assessor of his property for that year. The assessor of each ward after completing his assessment rolls, shall deliver the same to the president and trustees to be corrected by them, as hereinafter provided, and when so corrected, the assessor of each ward shall return one of said assessment rolls to the clerk of the board of supervisors of the county in which his ward is situated, at the time and in the manner provided by law for town assessors.

Supervisors—their duty.

SEC. 14. The supervisors of each ward shall have charge of all such affairs of his ward as are not by law made the duties of other officers. He shall attend the annual and all special meetings of the board of supervisors of the county in which his ward is situated, and at such meetings shall perform all the duties and have all the rights and privileges in representing his said

Trees and monuments.

16th. To protect the trees and monuments in said village.

Grade of streets.

17th. To establish the grade of all streets in said corporation, and appoint a surveyor, and prescribe his duties, fix his compensation not to exceed the pay allowed by law to others for like services.

Violation of ordinances and by-laws—penalty.

SEC. 24. In all cases, in relation to which by the provisions of this act, the president and trustees have power to enact or pass ordinances, or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by laws, not exceeding fifty dollars, for any one offence, in violation or non-observance thereof; and may also provide, that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding thirty days, for which purpose the said village shall have the use of the jails of the counties of Dodge and Fond du Lac, for the imprisonment of any person liable to be imprisoned; and all persons committed to said jail by the marshal or any other officer of said corporation, shall be under the charge of the sheriff of the county to which he may be sent.

Suits for violation of ordinances.

SEC. 25. On all suits for the violation of any ordinance of the village, the process may be by warrant: and it shall be sufficient, without setting forth the special matter, to declare generally with reference to the ordinance under which the action is brought. The defendent may plead the general issue, and give the special matter in evidence; and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance.

Executions.

SEC. 26. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines penalties, forfeitures, licences, when received or collected, shall be paid into the treasury of said village, to be expended for the benefit of said corporation, as the president and trustees may direct.

Ordinances, &c., imposing penalties, require publication.

SEC. 27. Any ordinance, regulation, rule, or by-law, imposing any penalty or forfeiture for the violation of any of its provisions, shall be published, by posting a written or printed notice in three public places in each ward, at least one week before the same shall be in force; and proof of such posting up, by the affidavit of the president, or one of the trustees, or clerk, shall be conclusive evidence of the publication and promulgation of such ordinance, rules, regulations or by-laws, in all courts and places.

No person incompetent as judge, &c.

SEC. 28. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding, in which said village is a party interested.

Street commissioner—duty.

SEC. 29. The trustees shall have power to appoint one street commissioner to lay out, open and keep in repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers, side-walks and cross-walks; to insure the public property of the village, and they shall procure all necessary blank books, and such other stationery as may be required for village purposes. They shall levy taxes on all such property as shall be subject to town and county taxes; *Provided*, That in any one year, the taxes for corporation purposes, shall not exceed one per cent. on the assessed valuation of taxable property of said village, unless two thirds of the electors of said village, voting at a meeting regularly called for that purpose, or at an annual meeting, shall vote to allow a larger sum to be raised, but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation, as aforesaid.

Proviso.

Accounts or claims—how audited and allowed.

SEC. 30. No account or claim against said village, shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same, endorse thereon, or annex thereto, a certificate, subscribed by them of such auditing, and allowing or disallowing the same, on which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Same.

SEC. 31. No account or claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the services, or made the disbursements therein charged, that the several items

of the account or claim are correct, and the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section, and the said trustees may examine the claimant on oath, as to the items in such account or claim.

How not to be construed.

SEC. 32. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other and further evidence of the correctness and reasonableness thereof.

Claims to be numbered.

SEC. 33. Every account or claim against said village presented to the trustees in any year, shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Warrants to refer to number, &c.

SEC. 34. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by the number, the name of the person in whose favor it was made out, and the time when it was presented, and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

Not to subscribe a certificate of allowance when village is not legally bound to pay.

SEC. 35. No trustee shall allow or subscribe a certificate of allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money thereon by tax, nor shall any trustees sign any warrant for the payment of any such account or claim, or any part thereof.

Have no power to borrow money.

SEC. 36. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purpose, nor shall the village incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised

in said village, in the year in which such debt or liability was incurred.

Application to grade streets.

SEC. 37. Whenever a majority of all the resident owners of real estate bounding both sides of any street or part of street, not less than ten rods in length, or on any block in said village, shall desire to have such street graded, paved or otherwise improved, they may make and sign an application in writing to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose, and the said trustees shall levy and cause to be collected, such sum by tax on all the owners of real estate or lots on such street or part of street; said tax shall be levied on the last assessed valuation of the real estate and lots, exclusive of improvements respectively, as the same shall appear in the assessment roll of said village, or may be determined by the board of trustees.

Application for side walk.

SEC. 38. Whenever a majority of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such side walk shall be levied as prescribed in the preceding section.

When tax is levied for the improvement of streets—how payable.

SEC. 39. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street or for the building or repairing any side walk, they shall direct the clerk to make out and deliver to the street commissioners, such tax to be collected and expended, a list of persons and a description of the property taxed, and thereupon the said street commissioners shall notify the persons named in such tax list, by posting a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed in said village, and shall specify in such notice a time not less than twenty days nor more than thirty days from the date thereof, when the person charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax, may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials; *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be [required by] said street commissioner.

Proviso.

Street commissioner to return tax list to trustees with a statement of taxes unpaid.

SEC. 40. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompained by a statement verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money [has been expended,] and the items of expenditure, also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which said unpaid taxes stand charged.

Duty of trustees in making out duplicate assessment rolls.

SEC. 41. The trustees in making out the duplicate assessment rolls of said village, next thereafter, shall enter such unpaid taxes therein in a seperate column, with twelve per cent. interest added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain unpaid, and such taxes shall be collected in the same manner as the general taxes of said village are collected, and when so collected they shall be paid over to the street commissioner on the order of the trustess, to be expended on the street or side walk for which they were originally assessed.

Trustees to determine amount of general tax.

SEC. 42. The trustees shall, between the first Monday in May and the first Monday in July of each year, determine the amount of general tax necessary to be assessed and collected in said village, the current year, and also the amount of highway tax, which shall not be less than five mills or more than ten mills upon the dollar of the assessed value, and a poll tax of one dollar upon every male person over the age of twenty-one, and under the age of fifty years, residing in said village, which may be paid in labor, materials or money, and the same compensation shall be allowed for teams, wagons, carts, plows, scrapers and labor, as is by law allowed, and all such taxes shall be collected by the street commissioner and all unpaid taxes shall be returned by the street commissioner to the board of trustees and collected by the marshal as hereafter provided.

When assessment rolls have been delivered to trustees, clerk to give notice of completion.

SEC. 43. Whenever the said assessment rolls shall have been delivered to the board of trustees as mentioned in section thirteen, such board of trustees shall forthwith direct their clerk to give public notice, by publishing the same in writing, in two or more of the

most conspicious place in each ward, of the completion of such roll by the assessors, and shall specify in said notice, the time when and the place where the said trustees will meet to hear appeals from the proceedings of such assessors; on any such appeal being made to said trustees, they shall have power to alter and correct such assessment rolls, and the said trustees shall have power to equalize the taxes in such assessment rolls.

Taxes—how levied and collected.

SEC. 44. When such assessment roll shall be finally completed, the trustees shall cause to be levied such assessment of tax as shall have been determined to have been raised, and to be set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment rolls and tax list, shall be deposited with the treasurer of said village. All taxes assessed by the trustees, or by vote of the village, for corporate purposes, except those required to be collected by the street commissioner, shall be collected by the marshal, as hereinafter provided.

Warrant to be signed and countersigned, &c.

SEC. 45. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees. Such warrant shall command the marshal to collect the taxes mentioned in such tax list in forty days, and pay over the same to the treasurer of said village, and make return of said warrant to said treasurer. The trustess may renew the warrant annexed to any tax list for thirty days when they shall deem it necessary, but any such warrant shall not be renewed more than once.

Upon receipt of tax list marshal to give notice.

SEC. 46. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice, by putting up a notice in three public places in each ward, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days

shall be subject to a deduction of five per cent. upon the amount paid.

Collect by distress.

SEC. 47. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Marshal to pay over sums collected, to treasurer, &c.

SEC. 48. It shall be the duty of the marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his not being able to find property in said village out of which he could collect the same, and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

To give notice of sale of lands for taxes.

SEC. 49. In case the tax on any lot or parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and liabilities which may accrue by advertising and selling agreeably to the provisions of this act; said advertisement shall be published in a written notice set up in three [of the] most public places in each ward of said village.

Sale of lands.

SEC. 50. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of land and lots, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest, charges, due, assessed and charged thereon, agreeably to this act, and the treasurer shall give to the purchasers of any lot or lots of land, a certificate of the lots or lands sold and purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed, and should there be no bid sufficient to cover such tax, cost and charges, the same shall be bid off by the president

or one of the trustees, for the use of said corporation, and the president and trustees or their successors shall be entitled to a deed in the same manner as if sold to an individual.

After sale of lands treasurer to deposit all notices and papers in relation to tax roll with clerk.

SEC. 51. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax roll, to be filed in the office of said clerk, also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known, and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices.

If land not reclaimed within two years treasurer to execute to purchaser a title in fee simple.

SEC. 52. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs and assigns, the sum mentioned in the said certificate, together with the interest thereon at twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs and assigns, a conveyance of the lots or parcels of lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple, and the said conveyance shall be evidence that the same was regular according to the provisions of this act, and any such conveyance, executed by the treasurer under his hand, and the seal of the corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor; *Provided*, That in case of assessment of taxes in gross upon any lot or parcel of land, the treasurer upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of

Proviso.

such taxes, interest and charges shall be a lien only on the remainder of lot or piece of land.

All lands before sold to be advertised.

SEC. 53. In all cases before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof, for three months in some newspaper published in said corporation, or in the county of Dodge or Fond du Lac, stating that all such lots or parcels of land will be forfeited if the taxes, interest and charges upon the same are not paid before the day mentioned in such notice.

Fees for advertising, &c.

SEC. 54. All lots or lands which shall be advertised for sale, for non-payment of taxes, shall be subject to a charge of five cents for each lot or piece of land so advertised for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot or piece of land at such sale, twelve and a half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and a half cents; and one dollar for each conveyance, executed in pursuance of this act. The said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel.

Purchasers to pay all taxes.

SEC. 55. Any person who shall purchase any lot or piece of land in pursuance of this act, shall pay all taxes returned subsequent to such purchase on such lot or piece of land, to the treasurer, with interest at the rate of twenty-five per cent. per annum, for the benefit of the certificate holder or corporation so paying said tax.

Taxes levied for the improvement of streets—where expended.

SEC. 56. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading or improving roads, streets or alleys in said village, shall be expended within the limits of each ward respectively, in which the same has been assessed and collected, except the highway and poll tax, or any part thereof, may be expended upon the street running between and dividing the two wards.

Street commissioner—duty.

SEC. 57. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving and improving of streets, and building of, and repairing sidewalks, and the expenditure of taxes levied and collected for that purpose, and shall receive such compensation for his services as

in said village, in the year in which such debt or liability was incurred.

Application to grade streets.

SEC. 37. Whenever a majority of all the resident owners of real estate bounding both sides of any street or part of street, not less than ten rods in length, or on any block in said village, shall desire to have such street graded, paved or otherwise improved, they may make and sign an application in writing to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose, and the said trustees shall levy and cause to be collected, such sum by tax on all the owners of real estate or lots on such street or part of street; said tax shall be levied on the last assessed valuation of the real estate and lots, exclusive of improvements respectively, as the same shall appear in the assessment roll of said village, or may be determined by the board of trustees.

Application for side walk.

SEC. 38. Whenever a majority of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such side walk shall be levied as prescribed in the preceding section.

When tax is levied for the improvement of streets—how payable.

SEC. 39. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street or for the building or repairing any side walk, they shall direct the clerk to make out and deliver to the street commissioners, such tax to be collected and expended, a list of persons and a description of the property taxed, and thereupon the said street commissioners shall notify the persons named in such tax list, by posting a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed in said village, and shall specify in such notice a time not less than twenty days nor more than thirty days from the date thereof, when the person charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax, may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials; *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be [required by] said street commissioner.

Proviso.

proper for any malfeasance or improper conduct of any of said officers, and to require [bonds] for the faithful performance of the duties of any such of them as may be deemed expedient and necessary by the trustees.

Quorum.

SEC. 62. A majority of the trustees shall be a quorum for the transaction of business, but a less number may meet and adjourn from time to time, (or may compel the attendance of any trustee or trustees, by an order, to be executed by the marshal,) until a quorum shall be present, but shall do no other business, and in the absence of the president, three trustees being present, one of their number may be appointed chairman *pro tem.*

Selling liquors without license—penalty.

SEC. 63. Any person or persons who shall vend any spirituous, ardent or intoxicating liquors or drinks, within the corporation, in violation of the provisions of this act, or contrary to any ordinance or by-law thereof, without first having obtained a license to sell the same, shall for every such offence, be fined not less than ten nor more than fifty dollars, or be imprisoned in the jail of the county in which such offence was committed, not exceeding thirty days.

Justices of the peace—jurisdiction.

SEC. 64. The justices of the peace within said corporation, shall have jurisdiction of all cases under the provisions of this act, or for the violation of any ordinance and by-law thereof, and in all such cases, and in all criminal cases, and in suits for damages, done to real estate, if the suit should be removed from the justice before whom the same was commenced for prejudice or other cause, the papers shall be transmitted to the other justice, in the said corporation, if authorized to try a suit between the parties, and if there be no such justice, or if he be absent or sick, in that case the papers shall be transmitted to the nearest justice of the county, in which the defendant may reside, or in which the writ was served.

Judgment a lien upon real estate.

SEC. 65. A transcript of a judgment for more than ten dollars, exclusive of costs, rendered by any justice of the peace of said corporation, may be filed in either or both of the counties of Dodge and Fond du Lac, and shall be a lien on the real estate of the defendant therein, and execution may be issued thereon, as in other cases, made and provided, in relation to the transcript of justices judgments.

Jurors.

SEC. 66. All persons residing within said corporation, qualified to serve as jurors in courts of record, shall be

most conspicious place in each ward, of the completion of such roll by the assessors, and shall specify in said notice, the time when and the place where the said trustees will meet to hear appeals from the proceedings of such assessors; on any such appeal being made to said trustees, they shall have power to alter and correct such assessment rolls, and the said trustees shall have power to equalize the taxes in such assessment rolls.

Taxes—how levied and collected.

SEC. 44. When such assessment roll shall be finally completed, the trustees shall cause to be levied such assessment of tax as shall have been determined to have been raised, and to be set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment rolls and tax list, shall be deposited with the treasurer of said village. All taxes assessed by the trustees, or by vote of the village, for corporate purposes, except those required to be collected by the street commissioner, shall be collected by the marshal, as hereinafter provided.

Warrant to be signed and countersigned, &c.

SEC. 45. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees. Such warrant shall command the marshal to collect the taxes mentioned in such tax list in forty days, and pay over the same to the treasurer of said village, and make return of said warrant to said treasurer. The trustess may renew the warrant annexed to any tax list for thirty days when they shall deem it necessary, but any such warrant shall not be renewed more than once.

Upon receipt of tax list marshal to give notice.

SEC. 46. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice, by putting up a notice in three public places in each ward, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days

voters thereof, at the annual election of said corporation, to be held on the first Tuesday of May in each year; and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Qualified electors.

SEC. 4. At the first election, and at all subsequent election of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the village twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such village for any officer required to be elected by this act; and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this [act,] and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received, and if any person shall take such oath, knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter to be provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Suspect illegal voting or challenged to administer oath.

Perjury—penalty.

Elective officers annually.

SEC. 5. At the first and every subsequent election, the electors shall vote for one president, three trustees, one marshal, one treasurer, and one assessor.

Supervisors to give notice of first election, appoint judges and clerks thereof, &c.; after first election president

SEC. 6. The supervisors of the town in which said corporation is situated, shall, at least twenty days previous to the first election of officers in said village, appoint the time and place of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments ten days previous to such

or one of the trustees, for the use of said corporation, and the president and trustees or their successors shall be entitled to a deed in the same manner as if sold to an individual.

After sale of lands treasurer to deposit all notices and papers in relation to tax roll with clerk.

SEC. 51. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax roll, to be filed in the office of said clerk, also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known, and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices.

If land not reclaimed within two years treasurer to execute to purchaser a title in fee simple.

SEC. 52. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs and assigns, the sum mentioned in the said certificate, together with the interest thereon at twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs and assigns, a conveyance of the lots or parcels of lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple, and the said conveyance shall be evidence that the same was regular according to the provisions of this act, and any such conveyance, executed by the treasurer under his hand, and the seal of the corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed regularly acknowledged by the grantor; *Provided*, That in case of assessment of taxes in gross upon any lot or parcel of land, the treasurer upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of

Proviso.

visions of this act, and shall have power to compel the attendance of its members.

Officers of the peace—power and duty.

SEC. 10. The president, each and every trustee, marshal, each and every justice of the peace and constable of the town in which said corporation is situated, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purposes may command the assistance of all by-standers, and if need be, all citizens, and if any person shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village, in such case provided.

Marshal—power and duty.

SEC. 11. The marshal shall possess all the powers, and enjoy all the rights of a constable in the town, and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary, in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons fleeing from justice, in every part of the State of Wisconsin; to apprehend any person in the act of committing any offence against this State, or the ordinances of the village, and forthwith to bring such person before competent authority for examination, and for such service, he shall receive like fees as are allowed to constables for like services. Said marshal shall execute and file with the clerk, a bond for the faithful performance of his duty, to be approved by the trustees.

Treasurer.

SEC. 12. The treasurer of said village shall perform such duties, and exercise such powers as may be lawfully required of him, by the ordinance of said village; all moneys raised, received, recovered and collected, by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom, except by a written order, signed by the president, and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its object. He

Moneys to be paid into treasury—how drawn.

shall keep a just and accurate account of all moneys and other things, coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom the amount of the several sums received, and the source from whence the said sums respectively arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the village; he shall as often as the trustees shall require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall pass over to his successor all moneys, books and vouchers in his possession, belonging to said village; he shall before he enters upon the duties of his office, execute to the president and trustees, a bond for the faithful performance of his duties, to be approved by the trustees, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected. Duties of treasurer.

Sec. 13. The clerk shall be appointed by the trustees, he shall perform such duties, and exercise such powers as may be lawfully required of him by the ordinance or direction of the trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services. Clerk—duties, powers and compensation.

Sec. 14. Every officer elected in said village, shall within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act. Officers elected to subscribe an oath, &c.

Sec. 15. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called. Special meetings—by whom and how called.

Sec. 16. Any vacancy in the office of president, trustees, marshal, treasurer or assessor, may be filled at a special meeting called in the manner prescribed in the preceding section. Vacancies—how filled.

Sec. 17. The president and trustees shall have power to execute, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for President and trustees—powers.

officer, at the expense of such person or persons; Twelfth, To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation; Thirteenth, To provide for the security and protection of bridges; Fourteenth, To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal, on the side walks, in said village, or in any way doing any damage to such sidewalk; Fifteenth, To restrain drunkards, immoderate drinking or obscenity in the streets, or public places, and provide for arresting, removing and punishing any person or persons, who may be guilty of the same; Sixteenth, To regulate the police of the village, to appoint watchmen and firemen, and prescribe their duties, and punish their delinquences; Seventeenth, To protect trees and monuments in the village; to establish the grades of all streets in said corporation, and to appoint a surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others, for like services.

Boards of health, &c.

Bridges.

Riding and driving on sidewalks.

Drunkards, &c.

Police, &c.

Trees, monuments, grades of streets, &c.

Prescribe penalties for violation of ordinances, by-laws, &c.

SEC. 18. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of any such ordinance or by-law not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such time as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Portage county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Suits for violation of ordinances may be by warrant, &c.

SEC. 19. On all suits for the violation of any ordinance of the village, the process may be warrant; and it shall be sufficient, without setting forth the special matter, to declare generally in debt, with reference to the ordinance under which the action is brought; the defendant may plead the general issue and give the special matter in evidence, and a copy of an ordinance

competent to serve as jurors in any case tried before any justice of the peace therein.

SEC. 67. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 278.

An Act to incorporate the village of Algernon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of village of Algernon.

SECTION 1. The inhabitants of the district of country described as follows, viz.: The west half of section twenty-two, and the east half of section twenty-one, and the north-west quarter of section twenty-seven, and the north-east quarter of section twenty-eight, and the south-east quarter of the south-east quarter of section sixteen, and the south-west quarter of the south-west quarter of section fifteen, all in township twenty-three, north of range eight, east, in the county of Portage, are hereby created a body corporate and politic, by the name and style of "the president and trustees of the village of Algernon;" contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

Style.

Management—in whom vested.

SEC. 2. The government of said corporation and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a president and four trustees, and such other officers as are hereinafter provided for.

Elective officers.

SEC. 3. The elective officers of said corporation shall be one president, three trustees, one marshal, one treasurer and one assessor, to be elected by the qualified

voters thereof, at the annual election of said corporation, to be held on the first Tuesday of May in each year; and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Qualified electors.

SEC. 4. At the first election, and at all subsequent election of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the village twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such village for any officer required to be elected by this act; and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this [act,] and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received, and if any person shall take such oath, knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter to be provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Suspect illegal voting or challenged to administer oath.

Perjury—penalty.

Elective officers annually.

SEC. 5. At the first and every subsequent election, the electors shall vote for one president, three trustees, one marshal, one treasurer, and one assessor.

Supervisors to give notice of first election, appoint judges and clerks thereof, &c.; after first election president

SEC. 6. The supervisors of the town in which said corporation is situated, shall, at least twenty days previous to the first election of officers in said village, appoint the time and place of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments ten days previous to such

election, by publishing the same in a newspaper printed in said village; and after the first election, it shall be the duty of the president and trustees to provide the place of holding elections in said village, and to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning said election, as may be lawful and convenient for the citizens of said village.

and trustees to perform this duty.

SEC. 7. The supervisors of the town in which said corporation is situated, shall determine who shall have been properly elected at the first election, and the chairman of the board of supervisors of said town shall administer the oath of office to all the trustees and other officers who have been declared to be duly elected; all subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot in the presence and under the direction of the president and trustees.

At first election supervisors to determine who has been elected; president and trustees to determine at subsequent elections.

SEC. 8. The president shall preside at all meetings of the trustees, keep the seal of the said corporation, sign all commissions, licenses and permits, which may be granted by the trustees; he shall maintain peace and good order, and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer and when presiding at the meeting of the trustees, he shall have a casting vote, when the votes of the members are equal.

President—duties.

SEC. 9. The president and trustees, shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable business hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the pro-

President and trustees—power and duties.

officer, at the expense of such person or persons; Twelfth, To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation; Thirteenth, To provide for the security and protection of bridges; Fourteenth, To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal, on the side walks, in said village, or in any way doing any damage to such sidewalk; Fifteenth, To restrain drunkards, immoderate drinking or obscenity in the streets, or public places, and provide for arresting, removing and punishing any person or persons, who may be guilty of the same; Sixteenth, To regulate the police of the village, to appoint watchmen and firemen, and prescribe their duties, and punish their delinquences; Seventeenth, To protect trees and monuments in the village; to establish the grades of all streets in said corporation, and to appoint a surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others, for like services.

Boards of health, &c.

Bridges.

Riding and driving on sidewalks.

Drunkards, &c.

Police, &c.

Trees, monuments, grades of streets, &c.

Prescribe penalties for violation of ordinances, by-laws, &c.

SEC. 18. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of any such ordinance or by-law not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such time as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Portage county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Suits for violation of ordinances may be by warrant, &c.

SEC. 19. On all suits for the violation of any ordinance of the village, the process may be warrant; and it shall be sufficient, without setting forth the special matter, to declare generally in debt, with reference to the ordinance under which the action is brought; the defendant may plead the general issue and give the special matter in evidence, and a copy of an ordinance

collected shall be paid over to the street commissioner on the order of the trustees, to be expended on the street or side walk for which they were originally assessed.

Trustees to determine am't of general tax annually.

SEC. 38. The trustees shall, between the first Tuesday in May, and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The assessors shall, within the time above limited, assess all property subject to taxation, and shall on or before the first Monday of June in each year, deliver to the board of trustees of said village a full and complete roll thereof, which roll shall exhibit the description and value in seperate columns, of the lands, lots and all other property chargeable with tax, in the said village respectively, together with the names of the owners thereof so far as the same can be ascertained. The assessor shall receive for his services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

When assessment roll shall have been delivered to trustees, clerk to give notice of completion.

SEC. 39. Whenever the said assessment roll shall have been delivered to the board of trustees as mentioned in the preceding section, such board of trustees shall forthwith direct their clerk to give public notice, by publishing the same in some newspaper published in said village, of the completion of such roll, by the assessor, and shall specify in said notice the time when and the place where the said trustee will meet to hear appeals from the proceedings of such assessor; on every such appeal being made to said trustees, they shall have power to alter and correct such assessment roll, and the said trustees shall have power to equalize the taxes in such assessment roll.

Taxes—how levied and collected.

SEC. 40. When such assessment roll shall be finally completed, the trustees shall cause to be levied, such amount of tax as shall have been determined to be raised, and shall set opposite to each discription and valuation of taxable property, the amount of taxes charged upon such property, and to each person respectively, and when such tax list shall have been completed, they shall forthwith cause a true copy thereof to be made and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village as hereinafter provided, and the original assess-

ment roll and tax list shall be deposited with the treasurer of said village.

Warrant to be signed and countersigned, &c.

SEC. 41. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list in sixty days, and pay over the same to the treasurer of said village, and make return of said warrant to the said treasurer; the trustees may renew the warrant annexed to any tax list, for thirty days, when they shall deem it necessary, but any such warrant shall be renewed but once.

Upon receipt of tax list, marshal to give notice of collection.

SEC. 42. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in a newspaper published in said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice; and all taxes paid during said forty days, shall be subject to a deduction of five per centum upon the amount paid.

Collect by distress.

SEC. 43. If the taxes are not paid to the marshal within the said time, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale, by written notice, set up in three public places in said village.

Marshal to pay over sums collected to treasurer, &c.

SEC. 44. It shall be the duty of such marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village out of which he could collect the same; and if any sum be returned not collected by him, his return shall be accompanied by his affidavit, that the facts therein stated are true.

Treasurer to advertise sale of lands for taxes.

SEC. 45. In case the tax on any lot, or other parcel of land, shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots, or other pieces of land, upon which the taxes have not been paid, will be sold by him at a

certain time and place therein mentioned, for the purposes of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale, agreeably to the provisions of this act. Said advertisement shall be published three weeks successively, in a newspaper published in said village.

Sale of lands.

SEC. 46. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act. And the treasurer shall give to the purchasers of any lot or lots of land, a certificate of the lots, or land purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed.

After sale of lands treasurer to deposit all notices and papers relative to tax rolls with clerk.

SEC. 47. Said treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village all affidavits, notices, and papers in relation to such tax sale, to be filed in the office of said clerk, also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices.

If land not reclaimed within two years treasurer to execute to purchaser a title in fee simple.

SEC. 48. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the treasurer, shall not, within two years from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular, according to the provisions of this act, and any such conveyance ex-

ment roll and tax list shall be deposited with the treasurer of said village.

Warrant to be signed and countersigned, &c.

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ing or improving roads, streets or alleys in said village, shall be expended within the limits of such ward, respectively, in which the same has been assessed and collected. Provement of streets—where expended.

SEC. 53. The street commissioner of said village, shall, under the direction of the president and trustees, superintend the grading, paving and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees, under the provisions of this act. Street commissioners—duty.

SEC. 54. Within ten days next preceding every annual election, the trustees of said village, shall cause to be published in some newspaper, published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim, as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement, so published, shall embrace all accounts allowed, to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publishing from the time of publishing the last preceding statement. Trustees to make an annual report—publish same.

SEC. 55. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places. Proof of publication.

SEC. 56. If any election provided for in this act, shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the supervisors of the town, otherwise by order of the trustees of said village, of which time ten days public notice shall be given, and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be done; *Provided*, That the officers so failing to execute such duties, at the time required, shall be liable to the same actions, fines and penalties as they would have been, had not In case no election on the day fixed, supervisors may order new election.

said power been conferred upon or exercised by the trustees.

Appoint officers, fix their compensation, and prescribe their duties.

SEC. 57. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to-wit: One chief engineer of the fire department, two fire wardens and as many assistant wardens as they shall from time to time deem necessary; one surveyor, one sealer of weights and measures, sextons and keepers of burial grounds, and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees.

Quorum.

SEC. 58. A majority of the trustees shall be a *quorum* for the transaction of business, but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business, and in the absence of the president, three trustees being present, one of their number may be appointed chairman *pro tem.*

Ordinances, &c., requiring publication may be posted

SEC. 59. All notices, ordinances, orders, rules, by-laws or other instruments required by any of the provisions of this act, to be published in a newspaper printed in said village, may instead thereof, be published by posting up printed or written copies in three public places in said village, at the time the same may be required as aforesaid to be published, which posting up shall to all intents and purposes have the like force and effect as if the same had been regularly printed in a newspaper published in said village. And the affidavit of *one* person setting forth the time and manner of such posting, shall be received as proof of the facts therein contained, in all courts and places.

Proof of publication.

First election and elective officers.

SEC. 60. The first election provided for in the sixth section of this act, may be held at any time after the first Tuesday in May next, and the persons elected at such first election, shall hold their respective offices for and until the first Tuesday in May next, after such election and until their successors are elected and qualified.

May divide village into wards—privilege of wards.

SEC. 61. The president and trustees shall divide said village into wards, not exceeding two in number, and appoint a time and place where the voters of each ward

shall hold an election to elect one of their own number to represent them in the county board of supervisors, and each ward shall at the annual election of said village thereafter, elect one of their own number to represent them in said county board of supervisors, to be called ward supervisors, and who shall be entitled to a seat, and vote in said county board of supervisors, and shall have in all respects the same powers as other supervisors.

SEC. 62. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 279.

An Act to incorporate the Oshkosh and Wausau Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas J. Townsend, Walter D. McIndoe, William A. Bugh, Luther Hanchett, E. D. Cameron, Edwin Wheeler, P. Sawyer, James T. Alban, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the Oshkosh and Wausau Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporations it shall lawfully appertain to do and perform.

Corporators. Style. Privileges. Capabilities. Power.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into shares of one hundred dollars each, and shall not exceed five hundred thousand dollars; and the directors shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least thirty days' notice of such times and places, by publishing the same in a newspaper printed either at the city of Oshkosh or in either of the counties through which said road may pass, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing.

May open books to receive subscription to capital stock.

First directors —term of office

SEC. 3. The said individuals named in section one of this act shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors, elected by the stockholders as hereinafter provided; and as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days' notice in a newspaper aforesaid, of an election of eleven directors by the stockholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Closing books.

Election of directors.

Management by directors.

SEC. 4. All of the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the power of the corporation. They shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe; and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election and at all meetings of the stockholders, the votes shall be delivered in person or by proxy duly authorized, and every

Annual election.

Election by stockholders, either in person or by proxy.

stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If, for any cause, an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid; and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of irregularity or want of any such election.

How conducted.

In case no election on day fixed a new election may be ordered.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and in case of his absence the directors present may appoint a president *pro tem.* The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensations and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any person failing to pay any installments, as also all previous payments thereon; and also, in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder the amount paid by him, or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers,

Quorum and meetings.

President and president pro tem.

Appoint other officers—fix their compensation and duties.

Re-open books

Regulate tolls and charges.

and to make such covenants, contracts and agreements with any person or persons, copartnership or corporation whatever, as the execution and management of the works and the convenience and interest of the company may require; to make any contract or agreement which they may think proper with any other railroad company for the leasing of the whole or any part of any railroad constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company; to make and establish such by-laws, rules, regulations and orders, not inconsistent with the constitution or laws of this State, as they shall think proper, for the well ordering of the affairs of the said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

May contract with other railroad companies.

Shares of stock deemed personal property

SEC. 6. All shares of stock in this company owned by any person shall be deemed personal property, and shall be transferable in such manner and form, at such place and under such regulations as shall be prescribed by the by-laws of the company.

Special meetings, by whom and how called.

SEC. 7. Special meetings of the stockholders may be called by an order of the board of directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

May construct single or double track.

SEC. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from the city of Oshkosh, in the county of Winnebago, to Wausau, in the county of Marathon, via Fremont, in the county of Waupaca; said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turn outs, side tracks and connecting tracks as they shall [think] will promote the interests of the company, and to erect, construct and use all such depots, station houses, warehouses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other

Transport persons and property.

conveniences for running said railroad; and they shall have power to connect the said road with any other road in this State, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

May connect with any other road.

SEC. 9. The said company are hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company, and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount or kind, as may [be] deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that may occur in the construction, repair, equipment or running of said road, and to make, execute, sell and deliver, at private or public sale, in or out of this State, bonds, in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporation for the purpose aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

May borrow money.

Give notes, bonds, &c., as security.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same be necessary; but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the

May construct railroad upon, along, &c., of any highway.

To restore highway, &c.

said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abutments, piers, or other foundations.

May enter upon any land for the purpose of surveying, &c.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of and use any such land, not exceeding one hundred feet in width, along the line of said route, and also such lands adjacent to the line of said route, beyond the said limits of one hundred feet, as the chief engineer of said company, in writing, to be signed by him, and recorded in the office of the register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same, for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water courses along or across said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone, or other materials for embankments, structures, or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes for which the same was taken, the said

Must compensate for land.

company is hereby authorized to lease or sell the same or any part thereof in fee simple.

When company and owners cannot agree as to compensation, commissioners to be appointed to ascertain same.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which, by the provisions of this act, they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions, shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or encumbrance [on the same, and if such owner, or the person or persons owning or possessing such legal or equitable title, lien or encumbrance] shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian [of such minor,] *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with said owner, guardian, or husband, said company shall, by its agent, offer to pay to such owner, guardian, or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any, in such county, such sum as the company deems reasonable; and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz.: The said company may apply to the judge of the circuit court for the sixth judicial circuit, either in term time or in vacation, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of said commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, not less than five days, to such owner, guardian or husband, if resident of the county in which such lands shall lie; and having determined that it was necessary to take said land, shall make an award of the amount of compensation which

Application for appointment of commissioners and their duty.

Commissioners' award.

shall be paid [by said company] for the land so taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company, another copy to such owner, guardian or husband, if resident of the county in which such lands shall lie, and also shall deposit a copy in the office of the clerk of the circuit court of such county, within thirty days after making their award, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may within thirty days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to the adverse party, and also filing with the clerk of said court a copy of the notice of appeal. The clerk upon receiving the same shall enter the same as a case upon the docket, under the same rules as other cases are entered on the docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount so found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or encumbrance on the same, deposited with the clerk of the circuit court of the county in which the lands shall lie, to be disposed of by order of the judge of said court, the title to said lands so taken for any of the purposes aforesaid shall vest in said company for the uses and purposes of a railroad; and a copy of such award or judgment, filed in

Appeal—manner of trying same.

Judgment by court, &c.

the office of the register of deeds of the county in which such lands shall lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity; and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

Pending proceedings, company may hold land.

SEC. 13. No person shall be incompetent to be a witness, or give testimony in any suit or proceeding at law or in equity, in which the said railroad company shall be a party.

No person an incompetent witness.

SEC. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

When company may charge for transportation.

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending, shall each of them, for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damage caused by such offence, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Punishment for injury to road, &c.

SEC. 16. Said company before opening the road through enclosed ground, shall erect such fences as shall preserve such enclosure entire; and shall before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road,

Must erect fence through enclosed ground.

through all such enclosed ground, and shall maintain the same.

First meeting of directors and stockholders.

SEC. 17. The first meeting of the directors, and of the stockholders of the said company, shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter modify, amend, rescind or abolish, any one regulation or by-law of said company.

When rights, &c., cease.

SEC. 18. All rights, privileges and immunities herein granted to said company, shall cease and terminate at the expiration of five years from the passage of this act unless said company shall have ten miles of said railroad in actual and active operation by that time.

Public act.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 280.

An Act to incorporate the La Crosse and Trempealeau and Prescott Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. P. V. Wise, O. T. Maxon, C. B. Cox, T. B. Wilson, A. C. Morton, David Noggle, Charles McClure, Edmund Bishop, G. Gale, Marvin Pierce, Jesse Bennett, H. D. Huff, Samuel D. Hastings, B. B. Hale, Geo. Batchelder, F. M. Rublee, D. D. Cameron and Cadwalader C. Washburn, and their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate by the name and

Style.

style of the "La Crosse, Trempealeau and Prescott Railroad Company," and by that name the said corporation shall have perpetual succession, and shall have

and enjoy all the privileges, franchises and immunities which any corporation may or can have and enjoy; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold any such estate by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Capable of purchasing, leasing, &c.

SEC. 2. The said P. V. Wise, O. T. Maxon, T. B. Wilson, David Noggle, Charles McClure, Edmund Bishop, H. D. Huff, Samuel D. Hastings, Geo. Batchelder, Geo. Gale and D. D. Cameron, shall be and are hereby made, constituted, appointed and declared the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided.

First directors.

SEC. 3. The capital stock of said company shall be five millions of dollars, divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine; and the directors named in the second section of this act, shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such times and places, by publishing the same in some newspaper printed in each of the counties of Pierce and La Crosse, or either of them, and shall require three dollars on each share of stock subscribed, to be paid at the time of subscribing; as soon as five hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give notice for an

Capital stock and opening books of subscription.

election by the stockholders, of eleven directors, at some time and place to be designated by them, which notice shall be published in some newspaper printed in one or more of said counties of Pierce and La Crosse, at least ten days prior to the time so designated for such election; and the directors thus elected, shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Management

SEC. 4. All the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation; they shall be chosen by the stockholders, annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election, shall be given as herein required to be given of the first election of directors, and the number of directors to be elected, shall be specified in the notice of election, and the directors may at any time increase or diminish the number to be elected, at any annual election, so that the number shall not be more than fifteen, nor less than seven. At all meetings of the stockholders, the votes of stockholders may be cast in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each and every share of stock held by him, and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected; the elections shall be conducted in such manner as shall be prescribed by the by-laws, or by resolution of the company. If for any cause, an election of directors should not be had, at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on notice being given, as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchises or immunities, by reason of irregularity or want of any such election.

Elections for directors.

May vote by proxy.

In case of failure to hold election, &c.

Quorum, meetings and general powers of directors.

SEC. 5. A majority of the board of directors, shall constitute a quorum for the transaction of any business: they shall meet at such times and places, and be con-

rened in such manner as they shall prescribe. They nay fill any vacancy which may occur in their own oard; they shall appoint one of their own number to e president, and one vice president, who shall serve ne year, or until a new election of directors. The resident, when present, shall preside at all meetings of he directors and stockholders, and in case of his ab- ence, the vice president shall discharge the duties of resident, and in case of the absence of the president nd vice president, the directors present may appoint a resident, *pro tem*, who shall discharge the duties of resident, during the absence of the president and vice resident. The board of directors may appoint a sec- etary, treasurer, chief engineer, superintendent, attor- ey, and such other officers and agents as they may ind necessary, fix their compensation and duties, and lemand adequate security for the discharge of their espective duties and trusts. The directors shall have ower to re-open the books for subscriptions to the apital stock of the company, or open new books, un- ler their own direction, or the direction of such per- on or persons as they may designate; to determine he amount of the first, and all other installments to be aid, from time to time, on stock subscriptions, and to orfeit to the use of the company, or to sell the share or hares of any person, failing to pay any installment, nd all previous payments thereon; and also, in their liscretion, on the request of any stockholder, to cancel his stock with or without refunding to such stockhold- r, the amount paid by him, or any part of it. They may receive, take and hold, in payment for the stock of said company, any land or other estate, either real or personal or mixed, and they may convey a fee sim- ple, or any less estate, in any real estate so received, taken or held, and in any and all other estates, of which they may be seized, or which they may occupy or pos- sess, and they may also mortgage or pledge any of their estate, real, personal or mixed, in such manner, and on such terms as the directors may think proper. The directors shall have power to establish and regulate their tolls and charges, for the transportation of freight and passengers, and the storage of freight, and to col- lect all such tolls and charges, and to make such cov- enants and agreements with any person or persons, copartnership or corporation, whether as the construc-

To fill vacancies.

President and pro tem.

Officers.

Re-opening books.

Forfeiture of stock

May receive estate, &c. in payment of stock.

Tolls and charges.

tion and management of the road, and the convenience and interest of the company may require; to make any contract or agreement which they may think proper, with any other railroad company, for the leasing or purchase of the whole or any part of any said road, constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company, or persons, the whole or any part of the railroad of this company, and to consolidate the capital stock of this company, with the capital stock of any other railroad company, on such terms as shall be agreed upon by the directors of such companies, respectively, and mutual powers in this behalf, are hereby conferred on all such companies. The directors shall have power and authority to make and establish such by-laws as they may think proper, respecting the property, concerns, affairs, business, stock, government and powers of said corporation, and may exercise all the powers which may be prescribed by such by-laws, and may make such other rules, regulations and orders, as they may think proper, but no such by-laws, rules, regulations or orders, shall be inconsistent with this act, or with the constitution or laws of this State, and they shall have power in general, to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

May lease, sell, consolidate, &c., with any other company.

By-laws.

Stock deemed personal property.

SEC. 6. All shares of stock in said company owned by any person, shall be deemed personal property; and certificates for the same shall be issued in such manner and form as shall be prescribed by the by-laws, and the same shall be transferable in the manner and form provided by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders, holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders specifying the object of the meeting.

Route, &c.

SEC. 8. The said company shall have power to locate and construct and perpetually to have, use and enjoy a railroad, with one or more railways or tracks from some point in the city of La Crosse, by the way of Trempealeau and Fountain City, to Prescott, with such branches for connection with the Milwaukee and La Crosse railroad company, as shall be determined by said company; *Provided*, That the said La Crosse, Trempealeau and

Prescott railroad company shall have no power to connect with that portion of the La Crosse and Milwaukee railroad, known as the western division of said road, more than four miles out of the corporate limits of the city of La Crosse; and shall have the perpetual right, power and authority, to transport, take and carry property and persons upon said road, by the power and force of steam, of animals or any mechanical or other power or of any combination of them, and from time to time to receive and store any property in any depots, store houses or ware houses of said company; and to make and construct all such turn-outs, side tracks, and connecting tracks as they shall think will promote the interests of said company, and to erect, construct and use all such depots, station houses, warehouses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company and its road and those using it; to purchase and own rails, chains, spikes, engines, tenders, cars and all things necessary or useful for the construction and operation of a railroad; and they shall have power to connect the said railroad with any other railroad in this State, and to extend their line of railroad so far as may be necessary to make such connection; and to operate the same in connection with such other railroad, by consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

Transportation.

May erect necessary buildings, &c.

SEC. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any party of whom such money may be obtained, any law on the subject of usury to the contrary notwithstanding; and to make, execute and deliver, in or out of this State, all necessary writings, notes, bonds, mortgages, or other papers and securities in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities they may incur in the construction, repair, equipment or running of said road, or in any of the operations of said company authorized by this act, and the said company is hereby

May borrow money and execute necessary bonds, &c.

authorized, in its corporate capacity, to make, execute, issue and deliver its bonds or obligations, in such an amount, that all the bonds of said company [outstanding at any one time will not exceed the capital stock of said company;] and the directors of said company are hereby authorized and empowered to prescribe, by resolution to be by them adopted, the sum or sums for which each of said bonds shall be issued, the time or times and place or places, when and where the principal and interest of the same shall be payable, the person or persons, trustee or corporation to whom they shall be payable, and whether payable to order or to bearer, or how otherwise negociable, the rate of interest which such bonds shall bear, and the manner and form in which they and the interest [coupons] annexed to them shall be executed; and to secure the payment of any or all of said bonds, the said company is hereby authorized and empowered, in its corporate capacity, to make, execute and deliver a mortgage or deed of trust upon the whole or any part of its railroad constructed or authorized to be constructed, and of any or all of its estate, real, personal or mixed, in possession or expectancy; and the said company is also hereby authorized and empowered, in and by such mortgage or deed of trust, to confer upon the trustee or mortgagee full and ample powers to enter into and upon and to take possession of, have, use and (employ) [enjoy,] or to sell and dispose of the whole or any part of said railroad, or estate, real, personal or mixed, together with the functions appertaining to said railroad, and all corporate and other franchises, rights and privileges of the said railroad company; and the directors of said company are hereby authorized and empowered to prescribe, by resolution to be by them adopted, all matters relating to the form and terms of any such mortgage or deed of trust and of its execution and delivery; and they are authorized and empowered to provide for the periodical payment to such trustee or receiver as they shall appoint, a certain sum, to create a sinking fund with which to pay off and discharge, at or before maturity, any or all of the bonds by them authorized to be issued, and also to provide the manner in which such trustee or receiver shall pay out or dispose of said sinking fund, and to authorize him to designate by lot or in any other suitable manner, the bond or bonds to the payment of which said sinking fund or any part of it

To secure payment company to deliver a mortgage or deed of trust.

Create a sinking fund.

shall be applied; and the said railroad company is hereby fully authorized and empowered, by its agents or brokers or otherwise, either in or out of this State, to sell, loan, pledge, hypothecate, or otherwise dispose of any or all of the aforesaid bonds hereby authorized to be issued, at par or at any price less than par, and for such sum or sums, and on such terms as to the said company or its said agents or brokers shall appear most for the interest of said company, and its directors, officers and agents are hereby authorized and empowered to have, exercise and enjoy all the rights, privileges and powers conferred upon them respectively by this section, any law of this State to the contrary notwithstanding. Dispose of bonds issued.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same shall be necessary, but said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same so far as the same can be done consistently with the rights and privileges hereby granted to said company; the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abuttments, piers or other foundations. Construct road along, upon, &c., any highway, &c.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, locating and determining the route of said railroad, and when the route of said railroad shall be determined by said company by resolution adopted by the board of directors, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take, possess, occupy and use any land along and including the line of said route, not exceeding one hundred feet in width; and it shall also be lawful for said company at any time to enter upon, take, possess, occupy and use any other lands beyond said limits of one hundred feet, which the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds May enter upon land for the purpose of surveying and permanent occupancy. May occupy other lands.

of the county in which such lands are located, certify and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses, freight houses, warehouses, engine houses, machine shops, or for buildings or fixtures of any kind or grounds about the same, for the convenint operation of the business of the road, or for making (draws) [drains] or giving a proper direction to water courses, or of diverting or of changing the channel of water courses, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone or other materials for embankments, structures or superstructures necessary to the construction, repair or renewal of said road. The said company shall, however, at such time and in such manner as is provided by this act, be liable to pay the full value of all lands so taken, possessed, occupied and used, which value shall be ascertained in the manner hereinafter provided; and whenever the same shall have been paid, tendered or deposited as provided in this act, an absolute estate in fee simple in any and all such lands, shall be and become vested in said company; and whenever the company shall deem that the same or any part thereof, shall no longer be necessary for the purposes for which the same were taken, the said company is authorized to lease or sell the same or any part thereof.

Company to pay for lands so taken, and when same has been paid title to vest in company.

Settle with owners for land taken.

SEC. 12. The said company may, after the route of the said railroad shall be located and determined, offer by its agent, to pay to the owner or owners of any land, which by the provisions of this act the said company is authorized to enter upon, take, possess, occupy, or use, or to any person claiming any interest in such land, and if any such owner or person, claiming any interest in such land, shall be a minor, *non compos mentis*, insane, or (un)married woman, or under any legal disability, then to the guardian of such minor, *non-compos mentis*, or insane person, or husband of such (un)married woman, such sum for said lands, as the company shall consider to be the full value of the same, and if such owner or claimant, guardian or husband, shall not accept of such offer, or if for any reason the

If company and owners cannot agree as

said company shall fail to agree with the owner or person claiming any interest in such land, then, and in all such cases, in which the said company shall enter upon, possess, occupy, or use, any lands as aforesaid, for any of the purposes aforesaid, the value of said lands shall be ascertained and determined, as follows, to-wit: The said company may apply to the judge of the county court, for the county in which the land lies, for the appointment of three (3) commissioners, to make an appraisment and award of the value of the lands, to be paid by said company, to the owner of or persons claiming an interest in each of the pieces and parcels, on the whole or any part of the line of said railroad, [so] (to) enter[ed] upon, taken, possessed, occupied or used, as aforesaid, for any of the purposes aforesaid. The said company shall give notice of their application for the appointment of such commissioners, by ublisphing the same, at least ten days before the time for (having) [hearing] the said application in a newspaper published in the county in which the land lies, and upon proof of the publication of the notice, the judge to whom the application shall be made, shall [appoint] the commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian, or husband, and whenever it shall appear to the said company, or its officers, that the title to any such land is in dispute, or that several parties claim interest therein, by tax sales, tax titles, incumbrances, liens or equitable claims, the said commissioners shall, upon request of said company, or its officers, give notice to all persons claiming any interest in such lands, whether as owners, incumbrances, or otherwise; and when the person to be notified has no known residence in this State, the notice may be by publication in a newspaper, for such length of time as the commissioners shall deem reasonable; and having first determined that it was necessary to take said land, shall make an appraisement and award of the value of the land so entered upon, taken, possessed, occupied, or used by said company for any of the purposes aforesaid, and shall deliver one copy of their award, to said company, and shall file an other in the office of the clerk of the circuit court of the county in which such lands shall be, with the costs of the award taxed upon each of said copies. And if the amount awarded by said

to compensation, commissioners to be appointed to determine same.

Give notice for application of appointment of commissioners.

Duty of commissioners.

Notice in case of a non-resident—how given.

Award.

Who pays cost

commissioners for such value shall be more than the said company had previously offered to pay, then said commissioners shall award that said company shall pay the cost of said award, and if it shall not be more, then they shall award that the other party shall pay such costs; and if neither party shall appeal from said award, in the manner hereinafter provided, the said circuit court, on motion of the party in favor of whom such an award shall be made, for such value aforesaid, or for costs, shall, unless such award shall have been previously paid, enter up judgment in conformity with such award. And the said company, or any party so receiving notice from said commissioners as aforesaid, may, within thirty days after such award shall have been filed with the clerk as aforesaid, appeal from the same to the circuit court for the county in which [such] lands shall lie, by filing with the clerk of said court a written notice of such appeal; and upon receiving such notice, the said clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners, and person or persons claiming any interest in such land, embracing all persons so having received such notice from the said commissioners, as plaintiffs, and the said company as defendant; and the said court shall proceed to hear and determine said case in the same manner that other cases shall be heard and determined in said court; and all issues of fact arising therein, shall be tried by a jury, unless a jury shall be expressly waived by both parties. But the appellant shall not be entitled to have the said case tried at any term of said court, unless he shall have given notice to the appellee or his attorney, at least ten days before the first day of the term, that he will demand a trial at such term; but in case the appellee has no known residence or attorney in the State, no such notice will be given; but in all cases the appellee may waive such notice, in which case, the same rules for trial shall be applicable to it as to other cases in said court. After the hearing of said case, the jury, or if the jury be waived, the court shall assess the value of the land so entered upon, taken, possessed, occupied and used by said company, at the time when the same was so entered upon and taken; and after such assessment, the court shall proceed to render judgment against said company for the amount of such assessment in favor

Either party may appeal.

Clerk to enter appeal upon docket.

Issues tried by jury.

Appellee may waive notice.

Judgment.

of the plaintiff or plaintiffs in such case; and if the amount so assessed in favor of such plaintiff or plaintiffs, shall exceed the amount awarded by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs, and against the said plaintiff or plaintiffs, and execution may issue accordingly; either party in any such case, after notice of an appeal shall have been filed as aforesaid, shall, on motion to the court to which the appeal is taken, in term time or the judge thereof in vacation, ten days notice of said motion having been given to the adverse party, or his attorney, be entitled to a change of venue in such case, to some other county in the State, but the venue in every such case shall not be awarded more than once, unless the second application be for some reason prescribed by law for a change of venue in other cases. The judgment of the circuit [court] in any such case may be (received) [reviewed] on writ [of] error, as other cases at law. Whenever the commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, and whenever in case of an appeal, a final judgment shall be rendered, it shall be the duty of the said company, and not before, to pay to the party entitled to the same, the amount of such award or judgment, and in any case in which there shall be any lien, incumbrance, tax sale, tax title or equitable claim to or upon the land or any part thereof, which is the subject matter of such award or judgment, or where more than one person shall be entitled to or shall set up any claim to the amount of such award or judgment, or any part of it, or where the person entitled to receive the same shall not have any known residence within this State, said company may deposit the amount of such award, where there has been an appeal, with the clerk of the circuit court, with whom the award in the case shall have been filed, and in case of an appeal and judgment thereon, the company may deposit the amount of such judgment with the clerk of the circuit court, for the county in which such judgment shall have been rendered, and the money so deposited in either case, shall be paid over by order of the court, to the person or persons who shall be adjudged by said court to be entitled to receive

Entitled to a change of venue.

Judgment may be received.

After final judgment, company to pay award.

Estate in fee simple.

the same; and whenever the amount of such award or judgment shall have been paid or tendered or deposited as aforesaid, an absolute estate in fee simple in *such* lands shall be and become vested in the said company, as against all persons so receiving notices from the said commissioners as aforesaid; all such persons so having received such notice, shall be forever excluded from questioning such title so acquired by the said company. And the said company shall have full power and authority, after entering upon and taking any such lands, to have, hold, possess, occupy, use and enjoy the same, for any of the lawful purposes of said company, from the time of such entry and taking, until the proceedings contemplated by this act shall have been finally determined, and until said company shall, on demand, refuse to pay the value of said land so to be ascertained as aforesaid, and they shall not during such time, nor until such refusal, be disturbed in such possession, occupancy, use or enjoyment, by any proceedings either in law or equity.

No person incompetent as witness, judge, &c.

SEC. 13. No person shall be incompetent to be a witness or give testimony in a suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror in any such suit or proceeding, for reason that such person is a stockholder in said company.

May receive money for transportation of persons and property.

SEC. 14. On the completion of said railroad, or any part of it not less than three miles in length, it shall and may be lawful for the company to demand and receive such sum or sums of money for the transportation of persons or property, and the storage of property, as they shall, from time to time, think reasonable.

Doing willful damage to road—penalty

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part of it, or any buildings or fixtures appurtenant to said road and belonging to said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of

debt, in any court having competent jurisdiction in the county where the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court. In case the said company shall locate the line of their railroad on any lands belonging to the State, the said lands, to the extent of one hundred feet in width, along the line of said road, are hereby granted to said company for the use of said railroad.

In case company locate on State lands—lands granted.

SEC. 16. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State, shall be received in evidence thereof in all cases, and this shall take effect and be in force from and after its passage.

Public act.

Approved March 6, 1857.

Chapter 281.

An Act to incorporate the Fox River and New London Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ira Willard, Charles Lindsay, Ira Willard, jr., James Lindsay, Alonzo Daugherty, Henry Ketchum, Lucius Taft, Robert Perry, Nelson E. Hyde, Welcome Hyde, John C. Hoxie, Horace Dean, together with such other persons as may become associated with them, as subscribed to the capital stock of this corporation, in the manner hereinafter priscribed, and their successors and assigns, are hereby created a body corporate, by the name of the Fox River and New London Railroad Company, and by that name shall be, and are hereby made capable in law to purchase, hold and enjoy, and to retain to them and their successors lands, tenements and hereditaments, as far as may be necessary for the purposes of said railroad, and the same to sell, grant, rent, or in any manner to dispose of;

Corporators.

Name.

Capable

Power. to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make and use a common seal, and the same to alter, break, or renew at their pleasure; and if either of the persons named in this section shall die, or refuse or neglect to execute the powers and discharge the duties hereby created and enjoined, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to perform the duties required by this act.

Surveys, &c. SEC. 2. Said corporation is hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route to construct a railroad, and shall cause an estimate to be made of the probable cost thereof for each mile; and the corporation shall be, and is hereby invested with the right to construct a railroad, with one or more railways or tracks, from some feasable point on Fox river, between the village of Omro and the city of Oshkosh, or from either of said places, northerly, by a convenient route, to New London.

Single or double track.

Capital stock. SEC. 3. The capital stock of said corporation shall be six hundred thousand dollars and shall be divided into shares of one hundred dollars each, and five dollars on each share subscribed shall be paid at the time of subscribing.

Open books of subscription. SEC. 4. The persons named in the first section of this act, or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, and may prescribe the form of such subscriptions, which books shall be opened within eighteen months from the passage of this act, at such place or places as they may deem expedient, by giving sixty days notice, in at least three newspapers printed in the State of Wisconsin, and such others as may be thought advisable, of the time and place or places, of opening said books.

Meeting of stockholders to choose directors. SEC. 5. As soon as said stock or the sum of ten thousand dollars thereof shall have been subscribed, the above named persons or the majority of them shall give like notices of the time and place for the meeting of the stockholders to choose directors at some time, at least thirty days thereafter, and at some place within the counties of Waupaca, Outagamie and Winnebago, and if at such time and place the holders of one half or

more of said stock shall attend in person or by proxy, they may proceed to choose from the stockholders by ballot, directors; the owner of each share so represented to be entitled to one vote; and at such election the persons named in the first section of this act, or those authorized to fill vacancies, or any three of them, if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them, or a majority of them, what persons are elected directors; and if two or more persons have an equal number of votes, such directors or inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner; and such inspectors shall appoint the time and place of holding the first meeting of directors, of which meeting seven shall form a quorum, competent to transact all business of the company, and thereafter a new election of directors shall be made annually at such time and place as said directors or their successors shall appoint, which time shall be during the same month in each year as the said first directors shall be chosen, and which time and place shall be fixed by the by-laws of said company, and the said directors, or so many of them as may be selected by the board, shall act as inspectors of such elections; and on the day of holding such elections, or as soon as may be thereafter, the said directors shall choose one of their own number to be president, and may also choose a secretary of said company, and such other officers as they may in their by-laws designate as necessary.

Annual election of directors.

President.

SEC. 6. The directors may require payment on the subscriptions to the capital stock of said railroad, at such time and in such proportion and under such conditions as they may deem fit, under the penalty of a forfeiture of all previous payments thereon, or otherwise; *Provided*, They shall never require payment to be made out of the counties through which such railroad shall pass, not exceeding ten per cent. on the stock subscribed at any one time, and such directors shall at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act, for giving notice of the opening of the books of subscription for the stock of said company.

Payment on capital stock.

Proviso.

Power of directors.

SEC. 7. The directors of said company shall have power to make from time to time, all needful rules, regulations and by-laws, touching the business of said company, and to determine the number of tracks and railways upon said road, and the width thereof, and the description of carriages which may be used thereon; also the said company shall have power to transport, take and carry property and persons by the power and force of steam or animals or any mechanical or other power, or any combination of them; to regulate the time and manner in which passengers and goods shall be transported thereon; the manner of collecting toll for such transportation; and to fix penalties for the breach of any such rules, regulations or by-laws, and to direct the mode and condition of transferring the stock of said company, and penalties provided for by the said by-laws, may be sued for by any person authorized thereto, in the name of said company, and recover the same in an action of debt, before any court having jurisdiction of the amount, and the said company may erect and maintain toll houses and such other buildings and fixtures for the accommodation of said road, as they may deem in any way necessary for their interest and convenience.

Company cause land for certain purposes.

SEC. 8. The said company shall have the right to enter upon any lands to survey and lay down said road, not exceeding one hundred feet in width, and to take any stone or gravel necessary for the construction of said road; and whenever any lands or materials shall be taken for the construction of said road, and the same shall not be given or granted to said company, as to the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons, or married women, the guardian or guardians of such minor or minors and insane persons, and the husband of such married woman, may select for themselves an arbitrator, and the said company shall select an arbitrator, and the two thus selected shall choose a third person, and the three thus selected or otherwise selected by the parties, shall be sworn and paid as arbitrators between the parties, and render copies of their award to each of the parties in writing, from which award either of the parties may appeal to the circuit court for the county in which the said lands or

To pay for same.

Choose arbitrator—duty of same.

Either party may appeal.

materials may have been situate; and appeals in such cases shall, when taken, be in all respects proceeded in as in appeals in other cases to said court, and brought into said court by filing the award, by the party appealing, with the clerk of said court, whose duty it shall be to enter the same in the docket of said court, setting down the claimant or claimants as plaintiffs and said company as defendant, and when the value of such materials or the compensation to be paid shall be ascertained by the said court according to the usual practice of said court upon issues of law or fact therein, a judgment shall be entered by said court in favor of the party in whose favor such issue shall be found; *Provided*, That, if the claimant appeal, and the sum awarded by the said court or a jury therein shall be no greater than the amount awarded by said arbitrators, or in case the said company appeal, and the amount awarded by the court or a jury therein shall be less than the amount awarded by said arbitrators, the court may award costs against the said claimant, and in all other cases costs shall be awarded against said company; and when the amount of such award of said arbitrators, or the said judgment shall be paid or tendered by said company to such claimant, said company shall have the same right to retain, hold and possess said lands and materials, as fully and absolutely as if the same had been conveyed to said company, so long as the same shall be used for the purposes of said road.

Proceedings on appeal.

Proviso.

SEC. 9. Said company may construct the said railroad across any public or private road, highway, improved field, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, improved field, or stream to its former course or state, or leave it in such condition as will least impair the usefulness of the same to the owner thereof or to the public.

May construct railroad across any public or private road.

SEC. 10. On the completion of said railroad, or any portion of the track, not less than ten miles in length, it shall and may be lawful for the said company to demand and receive such sum of money for passage and freight of persons and property as they shall from time to time think reasonable; *Provided*, That the legislature shall have the right to alter or reduce said tolls, not, however, so that the profits of said company shall

Charge for transportation of persons and property.

Proviso.

be less than twelve per cent. upon the capital stock invested; and the said company shall annually report to the legislature the expenditures of said company, the amount of tolls received, and the amount of capital stock invested, which report shall be sworn to by the president of said company.

Privileges of persons paying toll.

SEC. 11. All persons paying the toll aforesaid may, with suitable and proper carriages, use and travel upon said road, always subject, however, to such rules and regulations as said company are authorized to make, and shall make, under the seventh section of this act.

Dividend.

SEC. 12. So soon as the amount of tolls received for the use of said road, or part thereof, according to the provisions of this act, shall exceed five per centum upon the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors shall make a dividend of such nett profits among the stockholders, in proportion to their respective shares, and no accumulated fund exceeding one per cent. of the profits of said company, shall remain undivided for more than six months.

Willful injury —penalty.

SEC. 13. If any person or persons shall willfully obstruct or in any manner spoil, injure or destroy said road, or any thing belonging or incident thereto, or (in) any materials to be used in the construction thereof, or any building, fixture or carriage erected or constructed for the use or conveyance thereof, such persons shall each be liable for every such act to treble the damages sustained thereby, to be recovered in any court having jurisdiction of the amount thereof, and shall also be liable to be punished therefor by such fine and imprisonment or otherwise as may be provided by any law of this State applicable to such (officers) [offence.]

Neglect to provide wagon ways—penalty.

SEC. 14. Whenever it shall become necessary, in the location or construction of said road, to pass through the land of any individual, it shall be the duty of said company to provide for said person proper wagon ways, and in case the said company shall neglect to provide such wagon ways, said company shall be liable to such person in double the amount of damages occasioned by such neglect.

Company subject to laws.

SEC. 15. The company created by this act shall be subject to the provisions of such general laws as may be passed for the regulation of railroads in this State

SEC. 16. The first meeting of the persons named in the first section of this act shall be held at New London, Waupaca county, at such time as may be fixed by a majority of said corporators, and they may organize by choosing a chairman, secretary, and any other necessary officers, as they may determine, and may adjourn from time to time and to such place as the interests of the company may require, and a majority of them being present at any meeting so held, shall be a quorum to transact any business authorized by this act. First meeting.

SEC. 17. Said company shall fence said road, and all portions, as fast as the same shall be ready for use, and erect cattle guards wherever the same shall be necessary. To fence road.

Approved March 6, 1857.

Chapter 282.

An Act to incorporate the Baraboo Female Seminary.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Shubael G. Spees, Wm. A. Niles, J. A. Hall, Patrick A. Bassett, D. K. Noyes, Cyrus E. Rosenkrans, John G. Kanouse, Alanson Hughson, R. H. Davis, Lewis N. Wood, Herbert Huntington, John B. Preston, John Taylor, John B. Crawford, Cutting Marsh, Sidney H. Barteau, John W. Powell, R. G. Camp, and James Cornelly, their associates and successors be, and they are hereby created, a body corporate and politic for educational purposes, in perpetual succession, with the name and title of the "Board of Trustees of the Baraboo Female Seminary;" and shall have all the powers and privileges, and be subject to the restrictions and liabilities of chapter fifty-four, (54) of the revised statutes of Wisconsin, entitled "General Provisions relating to Corporations." Corporators. Name and title. Restrictions and liabilities.

SEC. 2. The seminary shall be located at the village of Baraboo, in the county of Sauk, and the board of trustees shall have power and authority to direct and prescribe the course of study and discipline in said in- Location and power of board.

stitution, and also to appoint a president or principal, and such professors and teachers, and such other officers as said board of trustees shall deem proper; all of whom shall hold their offices during the pleasure of the said board of trustees. They shall also have power to appoint an executive committee from their own number, for the transaction of all such business as may be prescribed by the by-laws, and subject to the approval of the board. The said board of trustees shall also have power and authority to borrow money, for the benefit of the institution, and to grant and confer such literary honors and degrees, as they may think best.

Board of trustees to consist of fifteen members—divided into three classes.

SEC. 3. The board of trustees shall consist of not less than fifteen (15) members, who shall have power to fill any vacancies that may occur by death, resignation or the neglect of the duties of the office for more than one year. The members of the board shall be divided into three (3) classes, one of which shall go out of office at the end of each year, to be determined at the organization of the board, and afterwards trustees shall be elected to serve three (3) years, by the presbyteries of the State of Wisconsin, until a synod shall be formed in said State, whose duty it shall then be to elect said trustees. The first meeting of the board of trustees shall be holden at Baraboo, at such time as shall be fixed by the first three named members in section one, notice of said meeting to be sent by them to all the other members of the board by mail, at least one week previous to the time fixed for holding said meeting. All future meetings shall be notified and holden in accordance with the regulations, and in such manner as may be prescribed in the by-laws of said board; nine (9) members of the board duly assembled shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

First meeting of board.

Future meetings.

Funds.

SEC. 4. All funds and property received by the board of trustees by gift, or otherwise, shall be faithfully applied, according to the best of their judgment; *Provided*, That any donation or bequests made for particular purposes, in accordance with the design of the corporation, shall be applied according to the wishes of the donors.

Proviso.

Exempt from taxation.

SEC. 5. The library, apparatus, cabinet and lands not to exceed ten (10) acres, shall be exempt from taxation, which lands shall be used exclusively for the accommodation of the said institution, and no religious

test shall ever be required of any teacher or student for admission or continuance in said institution.

SEC. 6. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 283.

An Act to incorporate the Beloit Improvement Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. L. G. Fisher, W. T. Goodhue, John M. Keep, William Rood, B. E. Hale, R. H. Mills and S. S. Johnson, and such other persons as shall associate with them and become stockholders, pursuant to the provisions of this act, shall be and are hereby created and made a body politic and corporate, in fact and in name, by the name and style of the Beloit Improvement Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit: They shall be capable in law of purchasing, holding, leasing and conveying estate, either real, personal or mixed, and in their corporate name shall be capable in law and equity, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever, and may have and use a common seal, which they may alter at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well-being of said company; *Provided*, The real estate to be held by this corporation shall not at any one time exceed one hundred thousand dollars. Corporators. Style. Capable of. Proviso.

SEC. 2. The persons named in the first section of this act, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places as they shall deem expedient, and whenever the amount of five thousand dollars of such capital stock shall be sub- Commissioners to open books.

scribed for and distributed, and five per cent. paid thereon, the said commissioners shall call a meeting of the stockholders of said company, by giving at least ten days notice in some newspaper, published in the city of Beloit, for the purpose of electing five directors of said company, who shall immediately proceed to elect one of their number president, and annually thereafter, the stockholders shall meet for the election of directors as aforesaid, on a like notice to be given by the president or secretary, in one or more newspapers published in said city, as they may deem proper; *Provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid, and that until such election, the directors of the preceding year shall continue to act, and their charter shall not be avoided by reason of any irregularity or want of such election, and in case of a vacancy in the board of directors, the same may be filled by appointment of a majority of the board, until the next annual election thereafter.

Meeting of stockholders to elect directors.

Proviso.

Management by directors.

SEC. 3. The business of said company shall be managed by a board of five directors, who shall be chosen by ballot; the vote may be given in person or by proxy duly authorized. Each share of stock shall be entitled to one vote. The directors shall make such by-laws, rules and regulations not inconsistent with the constitution and laws of this State as may be necessary for the well ordering of the affairs of said company; and a majority of said directors shall form a quorum for the transaction of business for the company; in the absence of the president, may appoint a president *pro tem.* The board shall also appoint a secretary and treasurer, who shall give bonds, to be approved by the board, for the safe keeping and faithful disbursement of all moneys coming into his hands, and all such other officers, clerks, agents, mechanics, laborers and servants, as they shall deem necessary in their discretion, from time to time, to attend to, and transact or execute all the affairs and business of the said company, and fix their compensation.

Capital stock.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time, by a vote of the stockholders, to any sum not exceeding five hundred thousand dollars, and

shall be divided into shares of one hundred dollars each; and the directors, or a majority of them, shall have power to call for such installments on each share as they may determine necessary for the interests of the company; and in case of a failure on the part of any one of the members of said company, or their assignees or assigns, to pay said installment when required, or within sixty days thereafter, all the interest they may have or possess in said company shall be forfeited to the members thereof; *Provided*, That four weeks notice, either in writing, of such case, shall be given, or in some newspaper printed in said city of Beloit. Shares shall be deemed personal property, and the property of the company only shall be liable for its debts.

General powers of corporation.

SEC. 5. Said corporation shall have power to manufacture machinery of all kinds and of all materials, locomotives, steam engines, all kinds of agricultural implements, iron and other metal castings, and all kinds of wrought iron work, mill gearings, and in general all kinds of machinery and articles which said company may deem it necessary for its interests to manufacture and make; may construct dams, canals, water ways, reservoirs, flumes and races, build buildings, mills, manufactories, blocks of buildings, stores, dwelling houses, or any other fixtures that the said company may deem for its interests to build on any lands which are now, or may hereafter be owned by said company. And the said company is hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the object and purposes of this act, as herein specified and set forth, and to this end may, in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any and all writings and agreements, notes, bonds, mortgages, releases or acquittances on real or personal property and estate belonging to said company. The business office of said company shall be kept in the city of Beloit, at which place all the meetings for the transaction of the company shall be held.

Business office

Stock—how payable.

SEC. 6. All stock in this corporation shall be payable in cash, except in such cases as the said Fisher, Goodhue, Keep, Rood, Hale, Mills and Johnson may deem it advisable to take real estate for stock, in which case such real estate shall be received at such sum as the said

Fisher, Goodhue, Keep, Rood, Hale, Mills and Johnson, or a majority of them, and the land holder may agree upon, and the same shall be deeded to the Beloit Improvement Company by a good warranty deed, and upon the execution of such deed, the said Fisher, Goodhue, Keep, Rood, Hale, Mills and Johnson, or a majority of them, are authorized to execute a receipt to such person so deeding as aforesaid, the full payment for so many shares of the capital stock of said company as fully pays the price of said real estate, and the company may use, lease or convey such real estate in any way or manner as any individual might do. After the election of directors as hereinbefore provided, the directors shall have the same powers in reference to the matters hereinbefore contained in this section, as those persons therein named have before an election shall be held, and in case any stockholder shall pay his stock or any portion thereof, sooner or faster than the same is required by the by-laws of said corporation, the directors may allow interest on such advanced payments as they may deem proper.

Successors invested with same powers.

Repealed.

SEC. 7. The act entitled "an act to incorporate the Beloit Car and Locomotive Manufacturing Company," approved March 13, 1855, is hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 284.

An Act to amend an act entitled "An Act to authorize Joint School District No. two, in the towns of Primrose and Perry, to amend its tax roll and to levy a special tax," approved January 31, 1851.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Sections one, two and three of an act to authorize joint school district number two, towns of Primrose and Perry, in Dane county, to amend the tax roll, and levy a special tax for school house purposes, approved January 31, 1851, are hereby so amended

that the time for the collection and return of taxes by the treasurer of the town of Primrose, in and for said school district, is hereby postponed until the first day of July, A. D. 1857, by which time said school tax shall be collected and returned, as provided by the act to which this is an amendment.

SEC. 2. This act shall take effect immediately after its passage.

Approved March 6, 1857.

Chapter 285.

An Act to authorize certain Counties to aid in the construction of the Milwaukee and Horicon Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any county through or near which the Milwaukee and Horicon railroad shall pass, except the county of Marquette, to issue and deliver its bonds, in such sums, and payable at such time and place as may be fixed upon, and bearing interest not exceeding ten per cent. per annum, to the Milwaukee and Horicon railroad company, and receive in exchange for said bonds, an equal amount of the capital stock of said company; *Provided*, The amount for any one county, shall not exceed in the aggregate, two hundred thousand dollars; and for the payment of the interest on said bonds, and the principal when due, the supervisors of any county issuing such bonds, may make such an arrangement as to the appropriations of dividends on the stock received in exchange, and for a final surrender or purchase of said stock, as may be agreed upon between said supervisors and the board of directors of said railroad company; *Provided, however*, No bonds shall be executed and delivered, in accordance with this act, unless a proposition to that effect shall have been submitted to the legal voters, (they being owners of real estate, or pre-emptors of United States or State lands,) of such county, and a

Aid in the construction of the Mil. & Hor. railroad.

Proviso.

Proviso.

majority of those voting on the subject, vote in favor of such proposition.

Application for bonds—how made.

SEC. 2. Whenever the Milwaukee and Horicon railroad company shall desire to obtain the bonds of any county, in accordance with the terms of the act, it shall make and deliver to the clerk of the board of supervisors of such county, a definite proposition, in writing, signed by the president and secretary of said company, and sealed with the common seal, which proposition shall contain a distinct statement of the amount of bonds it wishes to obtain for stock, time when they are to be made payable, and rate of interest they are to bear; upon receiving such distinct proposition, the clerk of the board of supervisors of such county, shall immediately call a meeting of the board of supervisors of such county, and the said board shall publish, or cause to be published, a notice of an election to be held by the legal voters of such county, at the usual place of holding elections, and at such time as they may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a distinct statement of the proposition made by said railroad company, and shall call upon the voters to deposit a ballot, upon which shall be written or printed the words, "For the Railroad proposition," or the words "Against the Railroad proposition," or words of similar import.

Duty of clerk upon receiving proposition.

Ballots—what to contain.

Election—how conducted.

SEC. 3. Such election shall be held and conducted in the same manner as other general elections are required by law to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the vote of any general election, and the canvassers shall make, sign, certify and deposit with the clerk of such county a statement of the whole number of votes cast upon the question, as well as the statement of the number for the railroad proposition, and the number against the railroad proposition; and such certificate shall be conclusive evidence of the fact as to the number of votes cast for and against such proposition, and also of the fact that such election was regularly held and conducted according to law.

If majority shall be in favor of proposition, chairman and clerk to issue bonds.

SEC. 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county in pursuance of the provisions of this act, shall, as indicated by the official return of any such

election, vote for the railroad proposition, it shall be the duty of the chairman and clerk of the board of supervisors of such county to issue and deliver bonds in conformity with the proposition of said railroad company, in exchange for the stock of said company, and all bonds issued by such county shall be signed by said chairman of the board of supervisors, under the seal of the board of supervisors of said county.

Every county liable for principal and interest.

SEC. 5. Every county, which by the provisions of this act is authorized to issue any bonds, shall be severally liable in law faithfully, promptly and at maturity to pay and discharge the principal and interest due upon any such bonds, and the separate faith of any such county shall, by the issue of any such bonds, be irrevocably and inviolably pledged for the prompt discharge of every such liability.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 286.

AN ACT to amend an act entitled "An Act to incorporate the Milwaukee Gas Light Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Capital stock increased.

SECTION 1. The capital stock of the Milwaukee Gas Light Company, is hereby increased to four hundred thousand dollars; *Provided*, That nothing in this act contained, shall be so construed as to interfere with the rights, privileges or franchises of the fifth ward gas light company, in Milwaukee; *And, provided further*, The said company will agree to lay one and one-half miles of pipe in the fourth ward, one mile in the second ward, and one mile in the sixth and ninth wards of said city during the coming season, said pipe to be laid only in streets where the grade is established and made, and laid under the direction of the street commissioners.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 287.

An Act to amend Chapter 188 of Private and Local Laws of the State of Wisconsin of 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. The figures "1856," in the second section of chapter 188 of private and local laws of the State of Wisconsin for the year 1856, are hereby amended so as to read 1857. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 288.

Act to incorporate the La Crosse and Minnesota Steam Packet Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. Thomas B. Stoddard, John S. Simonton, Byron Kilbourn, F. M. Rublee, A. T. Clinton, Robert Looney, N. R. Smith, Harvey Gillitt, D. D. Cameron, W. R. Sill, Justus White, A. W. Shepard, John Wright, A. W. Barron, E. B. Pike, W. W. Webb, Benjamin Brower, Nicholas Hintgen and J. R. Barne, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the La Crosse and Minnesota Steam Packet Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, leasing and conveying all kinds of personal property necessary for carrying on a general transportation business, and in their corporate name may sue and be sued, plead and be impleaded, answer and be answered. And in case of judgment against them, they shall pay full cost; may have a common

Name and style.

Capable of.

seal which they may alter or renew at pleasure, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purpose and object of this act, as the same are hereinafter set forth. May have a seal.

Sec. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, with the privilege to the stockholders of increasing the same, as they may deem advisable, to a sum not exceeding five hundred thousand dollars, to be divided into shares of two thousand dollars each, which shares shall be transferable on the books of the company in such manner as the by-laws shall direct. Capital stock.

Sec. 3. Robert Looney, A. T. Clinton, E. B. Pike, W. W. Webb, and A. W. Shepard, shall be the first directors of the La Crosse and Minnesota Steam Packet Company, and the stockholders may increase the number of directors, not exceeding nine in all, to be elected by ballot by the stockholders of said company; *Provided*, That no person be a director, except he be a stockholder in said company; and at the first meeting they shall elect, by ballot, one of their number president; and a majority of said directors shall be competent to manage the affairs of said company. Such first meeting shall be held at a time and place to be fixed by a written agreement, to be signed by a majority of said first directors. First directors. Proviso. First meeting—where held.

Sec. 4. The directors of said company may open books to receive subscriptions to the capital stock of said company, at such time and place as they shall appoint, and shall receive such subscriptions, under such regulations as they may adopt for that purpose; and said company may commence business whenever ten thousand dollars of said stock shall have been subscribed, and five per cent. of said subscription actually paid in. Open books to receive subscriptions. Commence business.

Sec. 5. A general meeting of the stockholders of said company shall be holden annually, at the time and place to be appointed, for the election of directors; and a meeting may be called at any time, by any three of the directors, by giving a notice of ten days in one of the La Crosse city newspapers, of the time and place of meeting; and if, at any meeting thus called, the stockholders holding a majority of the stock are not present in person or by proxy, such meeting shall be Annual meeting of stockholders. Special meetings—how called.

adjourned from day to day, not exceeding three days, without transacting any business, and if, within said three days, stockholders having a majority of the stock do not attend in person or by proxy, the said meeting shall be dissolved; and in case it shall, at any time, happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not, for that cause, be dissolved, but such election may be subsequently made, and the directors previously chosen shall hold their office until such election shall be made.

In case no election on day named, corporation not dissolved.

Power to maintain a transportation line.

SEC. 6. The said company hereby incorporated shall have power and authority to keep and maintain a transportation line from the city of La Crosse, Wisconsin, to St. Paul, Minnesota Territory, and on any other points on the Mississippi river or its tributaries, and for that purpose may keep such boat or boats as they may from time to time deem most advisable, to be propelled by steam, or otherwise, to transport, take and convey property and persons upon said boat or boats.

Power to take toll.

SEC. 7. Said company shall have full power and authority to ask for, demand and take the tolls or dues to and for their own proper use and benefit, on goods, merchandise, property and passengers transported on their said boat or boats, and for the storage, wharfage and charges on the same; and they shall have power to regulate the time and manner in which goods, property, merchandise or persons shall be taken, transported and carried by them, as well as the manner of collecting all tolls and dues on account of transportation, carriage or storage; and have full power to erect and maintain warehouses and other buildings for the accommodation and proper transportation of their business as to them may seem necessary.

Regulations.

Warehouses, &c.

Stock and by-laws.

SEC. 8. The president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfer of the stock of said company, and to pass all by-laws which may be necessary for carrying into execution all the power vested in the company hereby incorporated; *Provided*, Such by-laws shall not conflict with the laws of the United States or the State of Wisconsin.

Proviso.

Directors—power.

SEC. 9. The directors, or a majority of them, shall have full power to conduct the affairs of said company, and to exercise any power which said company might

exercise, subject to such rules, regulations and directions as the stockholders may adopt, at any annual meeting or special meeting, called pursuant to this act, or the by-laws.

SEC. 10. This act shall take effect immediately after its passage.

Approved March 6, 1857.

Chapter 289.

An Act to amend an Act, entitled an Act to incorporate the Chicago, St. Paul and Fond du Lac Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Chicago, Saint Paul and Fond du Lac railroad company be, and they are hereby authorized and empowered to straighten their line of road, by re-locating and changing the track of the same, from the city of Fond du Lac, in Fond du Lac county, to the city of Watertown, in Jefferson county. Straightening and re-locating line.

SEC. 2. For the purposes of making such change and re-location, for the purpose of straightening their line of road, as authorized in section one, aforesaid, the said Chicago, St. Paul and Fond du Lac railroad company, shall have all the rights, privileges, and powers for obtaining the right of way, and for locating and constructing said railroad, that they have heretofore had, or that they now have by law, for getting the right of way, locating and constructing their main track. Privileges and powers.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 290.

An Act to amend an act entitled "an act to incorporate the St. Croix and Lake Superior Railroad Company, approved February 24, 1854."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Power to build a railroad with one or more tracks.

SECTION 1. The St. Croix and Lake Superior Railroad Company, is hereby authorized and empowered to survey, locate, construct, complete and perpetually to have, maintain and operate a railroad, with one or more tracks or lines from any point or place on the St. Croix lake or river, or on the Mississippi, southerly of township No. twenty-seven, and northerly of township No. twenty-five, which may be determined upon by its board of directors, to the west end of Lake Superior and to Bayfield, and for such purpose shall possess all the rights, powers and privileges conferred by its charter in relation to the road therein authorized to be constructed.

May receive lands from the La Crosse and Milwaukee railroad co.

SEC. 2. It shall be lawful for the said company to receive and for the La Crosse and Milwaukee railroad company to grant and convey to the said St. Croix and Lake Superior railroad company, all the right, title and interest of the said La Crosse and Milwaukee railroad company in and to that portion of the lands or any part thereof, heretofore granted to the said La Crosse and Milwaukee railroad company, which lie north of the point or place where the road of the said last mentioned company shall intersect the St. Croix lake or river, or other point which may be determined upon by the said last named company, or such portion of said lands as said companies may agree, and whenever such conveyance shall be made, the said St. Croix and Lake Superior Railroad Company shall possess all the rights, powers and privileges, in regard to the construction of said road, from the point so determined on, to the west end of Lake Superior and to Bayfield, and in regard to the application and disposal of said land, or any part thereof, and in regard to the running of said portion of said road, and shall be subject to the same liabilities, duties, conditions and restrictions and the payment of the same amount of per centage, upon the gross earnings of said

road, which are conferred or imposed upon or required of the said La Crosse and Milwaukee railroad company or to which said last named company was subjected by an act approved October 11th, 1856, entitled an act to grant certain lands to the La Crosse and Milwaukee railroad company, and to execute the trust created by an act of Congress, entitled "an act granting certain lands to the State of Wisconsin, to aid in the construction of railroads in said State," approved June 3d, 1856, and so far as such portion of said railroad is concerned, the said La Crosse and Milwaukee railroad company shall be from the date of such conveyance, exonerated and released from such liabilities and duties.

Act ceases unless both companies assent.

SEC. 3. This act shall cease and be void, unless the said La Crosse and Milwaukee railroad company, and the said St. Croix and Lake Superior railroad company, shall each accept and assent to the same within thirty days after its passage, and such acceptance shall be by a resolution adopted by the directors of said companies respectively a copy of which, duly certified by the secretary of each of said companies respectively, and under the corporate seal thereof, shall be filed in the office of the secretary of state within said thirty days.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 291.

An Act to amend an Act, entitled "An Act to amend an Act, entitled an Act to incorporate the Sheboygan and Mississippi Railroad Company." Approved March 12th, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment authorizing construction of a branch road.

SECTION 1. The Sheboygan and Mississippi railroad company, are hereby authorized and empowered to further lay out, extend and construct the branch railroad, which the said company, by an act entitled, an "act to amend an act, to incorporate the Sheboygan and Mississippi railroad company," approved March

12th, 1855, are authorized to lay out, extend and construct, from the terminus of said branch railroad, on the Fox river, to Stevens' Point, on the Wisconsin river.

To increase capital stock.

SEC. 2. The board of directors of said Sheboygan and Mississippi railroad company, are hereby authorized to increase the capital stock of said company to such additional amount as they may at any time deem expedient, to carry out the provisions and objects of this act.

The provisions of to which this is amendatory to apply in certain cases

SEC. 3. All the provisions of the act of incorporation, for the incorporation of the Sheboygan and Mississippi railroad company, and the act of which this is amendatory, in relation to entering upon, taking and making compensation for lands for surveys, right of way and construction, and all other provisions of said acts, respectively, not inconsistent herewith, shall apply as well to the said extension of said branch, as provided in this act, as to the said branch authorized in the act to which this is amendatory, and to the main trunk or line of the road of the said Sheboygan and Mississippi railroad company.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 292.

An Act to lay out and establish a State Road named therein.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route.

SECTION 1. That Henry Reid, Mercum Boughton and Churchill Elleson be and they are hereby appointed commissioners to lay out and establish a State road from Waupaca village to section No. 18, in township 28 north, of range 12 east, at a point where it will intersect the State road now established running from the village of Weyauwega [to Wausau,] in the county of Marathon.

Quorum and meeting.

SEC. 2. A majority of the commissioners shall constitute a quorum for the transaction of the business, and before laying out said road, the said commissioners shall (have) [cause] a copy of this act, with a notice of the time and place of the meeting of the said commissioners, to be published in a newspaper published in the county of Waupaca, for two successive weeks previous to the laying out of said road, which notice shall be deemed sufficient to all persons interested in laying out and establishing said road.

Compensation.

SEC. 3. The said commissioners shall receive two dollars for each day actually engaged in laying out the road aforesaid. All expenses in laying out said road shall be paid by the county of Waupaca.

SEC. 4. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 293.

An Act to legalize the survey and location of a road running from Stevens' Point, in Portage county, to Weston's Rapids, in Clark county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Survey of a certain state road declared legal.

SECTION 1. The survey and plat now on record in the Secretary's office, certified to by Aelic Martin as surveyor, is by this act made the legal and lawful survey of the State road running from Stevens' Point, in Portage county, to Weston's Rapids, in Clark county, as provided for in chapter fifty of the private and local laws of the year eighteen hundred and fifty-four.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 294.

An Act to provide for laying out a State Road from Blue Mounds in the County of Dane, through the village of Black Earth, to Lodi in the County of Columbia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route.

SECTION 1. Henry M. Warner, Warren Hill and Lorenzo A. Pierce, are hereby appointed commissioners, to lay out and establish a State road from Blue Mounds, in the county of Dane, through the village of Black Earth, to Lodi, in the county of Columbia; *Provided*, No part of the expense shall be paid out of the State treasury.

Compensation.

SEC. 2. The said commissioners are hereby authorized to adopt such portions of highways already established, as they may think advisable, and shall receive such compensation for their services, as the board of supervisors of the county of Dane may deem just and proper; *Provided*, No compensation shall be allowed for laying said road over any portion of the route where a road has previously been laid; *And, provided, further*, That no compensation be allowed, unless the commissioners shall have fully complied with the provisions of chapter 44, of the general statutes of the year 1853.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 295.

An Act to incorporate the Milwaukee Dry Dock, Marine Railway and Ship-building Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Jasper Humphrey, James D. Reymert, William P. Merrill, John H. Brownson, James M. Jones,

Henry L. Palmer and Hugh McGarry and such other persons as shall become associated with them by subscribing to the capital stock of the corporation hereby created, and their successors and assigns, shall be and are hereby made and constituted a body politic and corporate, by the name of the Milwaukee Dry Dock, Marine Railway and Ship-building Company, with perpetual succession; and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatever, in all manner of actions and causes; may have a common seal which they may alter, break, and renew at pleasure, and by that name shall be capable of purchasing, holding, leasing, mortgaging, selling and conveying estates, real, personal or mixed, for the use and benefit of the said corporation, and to such extent as shall be necessary for the business and purposes of the said corporation, and the said company shall have and enjoy all the privileges, franchises and immunities incident to a corporation. Style. Capabilities.

SEC. 2. The capital stock of the said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares and stock shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe. Capital stock.

SEC. 3. The said corporation shall have power to purchase and hold the necessary grounds for that purpose, and to erect and construct one or more dry docks, wet docks, marine railways and other machinery and conveniences for building and repairing steamboats and vessels, and the same to keep, use, operate and maintain, and to engage in and carry on the business of building and repairing steamboats and vessels of every description, and every part thereof, and for that purpose may erect such machine shops, machinery, steam engines and other fixtures and appurtenances as they may deem expedient and proper; the said corporation is hereby declared to be capable (in) [ot] making and entering into any contract or agreement, with any person or persons, corporation or body politic, which the directors thereof may deem proper and expedient for the due transaction and prosecution of the business of the said company. The business of the said company to be carried on at May hold necessary grounds, and erect docks, machine shops &c.

some convenient point or points in or near the city of Milwaukee, to be from time to time selected by the directors or officers of the said company.

First directors.

SEC. 4. The said Joseph Humphrey, James D. Reymert, William P. Merril, John H. Brownson, James M. Jones, Henry L. Palmer and Hugh McGarry, shall be the first directors of the said company, and at their first meeting shall elect by ballot one of their number to be president, and may elect or appoint such other officers and agents as they may deem necessary. The first meeting of such directors shall be held at such time and place as may be appointed by a majority of them, notice of which shall be given to all said directors personally, or by publishing a notice thereof, daily, for one week, in a newspaper published in the city of Milwaukee. The said directors, or a majority of them, may open books to receive subscriptions to the capital stock of the said company, at such times and places, and under the direction of such person or persons as they may appoint, and shall receive such subscriptions and make distribution of the stock subscribed, under such regulations as they may adopt for that purpose; and the said company may commence their said business whenever a sufficient amount of stock shall be subscribed, so that under the regulations which may be prescribed, for receiving subscriptions thereto, the sum of five thousand dollars shall be actually paid in or funded, and whenever such amount shall be subscribed, and the said sum of five thousand dollars shall be paid in or funded as aforesaid, the said directors shall close the books of subscription, and shall give at least one week's notice, by publication in a newspaper in Milwaukee, of a meeting of the subscribers to such stock, to be held at such time and place as the said directors may appoint, to elect directors of the said company, and the directors named in this act shall hold their offices until their successors are chosen as aforesaid.

Election of president and other officers.

First meeting of directors and notice thereof and opening of books, &c.

Management by directors.

SEC. 5. The affairs of the said company shall be managed by a board of seven directors, who shall be stockholders and who shall be chosen annually, on the first Monday in May in each year, and the directors chosen at the first election held in pursuance of this act, and those annually chosen thereafter, shall hold their offices until the first Monday of May succeeding their election, and until their successors shall be duly

elected; and if any vacancy shall occur by death, resignation or otherwise, in the office of president, vice president, or director, such vacany shall be filled by the directors, or a majority of them; on all occasions when a vote of the stockholders is to be had, each and every share of stock shall entitle the holder thereof to one vote, to be given by himself or proxy. All elections of directors shall be held and conducted under the direction of three inspectors, to be appointed by the board of directors, who shall be stockholders, but not directors of said company. The directors when chosen, shall elect a president and vice president from their number, and may appoint such other officers, engineers, agents and servants as they may deem necessary for the transaction of the business of said company, all of whom shall be subject to removal by the board.

Vacancies.

Elections—how conducted

Sec. 6. A majority of directors shall constitute a quorum for the transaction of any business appertaining to the company; they shall have power to make and prescribe such by-laws, rules and regulations, respecting the management of the property, concerns, business and stock of the said corporation as they may deem expedient and proper, not conflicting with the constitution or general laws of this State; to prescribe the duties and compensation of the several officers of said company, to prescribe the time, manner and proportions, in which the subscribers to the capital stock of the said company shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules and regulations respecting the forfeiture of stock and shares, together with previous payments thereon, for the non-payment of any sum which may be called in, assessed or become due thereon, as they may deem advisable, and all subscriptions to such stock are hereby declared to be subject to such regulations as may be so made.

Quorum, by-laws, &c.

Sec. 7. At all elections of directors of said company, the seven stockholders receiving each a plurality of all the votes cast, shall be duly elected directors for the ensuing year; and in case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be dissolved, but such election may be subsequently made,

In case of failure to hold elections, &c.

and the directors previously chosen shall hold their office until such election shall be made.

May borrow money and execute bonds, notes, &c.

SEC. 8. The said corporation are hereby authorized and empowered in their corporate name and capacity to borrow any sum of money from any person or persons, corporation or body politic, and for any rate of interest that may be agreed upon by and between the said company and the person, party or corporation of whom such loan may be obtained, and make and execute in their corporate capacity and name, all necessary writings, notes, drafts, bonds, contracts, or other papers, and make and execute such securities in amount and kind as may be deemed expedient by the said corporation to secure any such loan, any law on the subject of usury in this State, or any other State where such transaction may be made, to the contrary notwithstanding; and the acts, agreements and contracts of the said company, for the purposes aforesaid, and for all purposes necessary to carrying out the objects of the said company, are hereby declared binding in law and equity upon said company, and upon all other parties to said contracts.

May hold real estate other than authorised in this act.

SEC. 9. In addition to the real estate which the said company is authorized by this act to purchase, hold and convey for the purpose of its business, the said company shall have power to receive, hold, enjoy, lease, mortgage, sell and convey all such estates, real, personal or mixed, as may be conveyed, mortgaged or pledged to it in payment of a security for the payment of any debt which may be due or payable to said company, or which may be sold to satisfy any judgment or decree in favor of said company.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 296.

An Act to incorporate the Heckla Insurance Company of Sheboygan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Incorporators.

SECTION 1. All such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name and style of the Heckla Insurance Company of Sheboygan; the office of said company shall be in the city of Sheboygan, in this State.

Style.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said company by each subscriber to the capital, at the time of subscription, an installment of ten per cent. on the stock by him subscribed, the remainder to be paid, or to be carefully secured to be paid, on real estate or other securities, as the commissioners hereinafter mentioned shall deem sufficient, and until five hundred shares of said stock is subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Management.

SEC. 3. The stock, property and affairs of said corporation shall be managed and conducted by nine directors, and such officers, clerks and agents, and other persons as said directors may appoint from time to time. Said directors shall divide themselves into three classes, by lot; the term of the first class shall expire on the first Monday of January succeeding their election, or as soon thereafter as others are elected in their stead; the term of the second class shall expire on the first Monday of January of the year next succeeding the expiration of the term of the first class; and the term of the third class shall expire on the first Monday of January of the year next succeeding the expiration of the term of the second class; and the said second and third classes shall hold their offices until others are elected in their stead. An annual election for three directors

Division into classes.

Annual election of directors.

shall be held on the first Monday of January in each year, at such place in the city of Sheboygan as a majority of the directors may appoint, and the polls of said election shall be opened at two o'clock, and remain open until four o'clock, P. M., of said day, of which time and place of election notice shall be given in some public newspaper printed in the city of Sheboygan, and circulated in said city of Sheboygan, at least two weeks previous to said election. Said election shall be held under the direction of three stockholders, to be appointed by a majority of the directors, and directors shall be elected by a plurality of the votes of the stockholders present at said election, and their proxies, allowing one vote for each share of stock subscribed.

President and vice president —duties.

SEC. 4. It shall be the duty of the directors on organizing, and annually thereafter, to choose from their number a president, and they may in the same manner elect a vice president and secretary; the vice president's duty shall be to perform all the duties of the president in case of his absence or inability to act.

Commissioners to receive subscriptions —duty.

SEC. 5. William W. King, Van Eps Young, Zebulon P. Mason, Francis R. Townsend, James H. Mead, Cyrus P. Miller, Worthy McKillip, James T. Kingsbury and Asahel P. Lyman, shall be commissioners to receive subscriptions to the capital stock of said company; and when said stock shall be subscribed and paid, or secured to be paid as mentioned in the second section of this act, the commissioners shall call a meeting of stockholders, by advertisement, published at least one week previously, in some newspaper published in the city of Sheboygan, stating the time and place at which such meeting shall be held; and at such meeting the stockholders present, shall elect by ballot, the first nine directors of said company; said commissioners, or a majority of them, shall act as inspectors of election; and if there should be any deaths or resignations from the commissioners above named, then the remainder shall appoint others to fill the vacancies.

Power to make insurance.

SEC. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandize, specie, jewels, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interest, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; also, upon dwelling houses, stores

and all other kinds of buildings, household furniture, merchandize and all other property, against loss or damage by fire or steam, and reinsure the same; and, also, to cause themselves to be insured when deemed expedient, against any risk or risks on which they have or may make insurance.

Policies and other contracts

SEC. 7. All policies of insurance or other contracts authorized by this act, which may be made or entered into by said company, may be with or without seal thereof, and shall be subscribed by the president or vice president and attested by the secretary, and being so signed, (exempted) [executed] and attested, shall be binding and obligatory upon said company.

May hold real estate, &c., as security for debt.

SEC. 8. It shall and may be lawful for the said company to take and hold any real estate or securities, mortgage or pledge to the said company, to secure the payment of any debt which may be contracted by or with said company, to foreclose the same, and to purchase on sale made by virtue of any judgment at law, or by order or decree of any court of equity, or any other legal proceeding, or otherwise to receive and take any real estate or personal estate, in payment or towards satisfaction of any debt previously contracted, and due to the said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide, call in and reinvest the same so often as it shall be deemed necessary for the interest of the said company.

Capital stock transferable, &c.

SEC. 9. The capital stock of the said company shall be transferable, according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock, who shall neglect, for thirty days after having been duly notified, to pay the installments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said company, and all payments made thereon, and all profits that may have arisen thereon.

Dividend.

SEC. 10. It shall be lawful for the directors of said company to make a dividend of so much of the profits of said company as shall appear advisable; but the dividend shall not at any time exceed the amount of the clear profits made by the company; but the capital

stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them, in any court of record in this State, by any creditor of said company; and each debtor present, when such dividend shall be made, shall be adjudged consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter, in a newspaper published and circulated in the county of Sheboygan.

Powers, &c.

SEC. 11. The corporation created by this act shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity; may have a common seal, and enjoy and have all the powers and privileges incident to a corporation.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 297.

An Act to authorize the County of Calumet, to aid in the construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to aid in the construction of any railroad.

SECTION 1. Claus O. Esau, H. C. Hobart, R. D. Waller, L. Goodell, Azell Aldrich, are hereby appointed a board of commissioners, for the purpose of aiding in the construction of such a railroad as they may select, authorized to be made from any part of the southern portion of said county, to any point on the Fox river, below Lake Winnebago.

Elect a president and other

SEC. 2. Said commissioners shall, previous to the transaction of any other business, elect one of their

number president, and one treasurer, and shall also appoint a secretary, not one of their number. The president, when present, shall preside at all meetings of the board, for the transaction of business, and the secretary shall keep the record of all doings of said board. All meetings of said commissioners, shall be at the county seat of said county, at such time and place as shall be designated by a majority of them. Officers—duties of same. Meetings.

SEC. 3. The said commissioners are hereby authorized to borrow two hundred thousand dollars upon the credit of the county of Calumet, for twenty years or less, in such sums as they may deem proper, at a rate of interest, not exceeding seven per cent. per annum, payable annually, in the city of New York, for the purpose of investing the same, in the capital stock of a railroad company, authorized to construct a railroad from any part of the southern portion of Calumet county, to any point on the Fox river, below lake Winnebago, and to issue therefor, the bonds of the county of Calumet, as hereafter mentioned, and in case the said money, or any part thereof, shall not be so borrowed, to subscribe for so many shares of said capital stock, of said railroad company, that the amount of the same, at their par value, shall be equal to two hundred thousand dollars, and to pay for the same in the bonds of said company, payable as above specified. In lieu of investing the said sum, or any part thereof, in the capital stock of said railroad company, the said board of commissioners, are hereby authorized to loan the credit of the said county, to the said company, to the amount of two hundred thousand dollars, for a length of time not exceeding twenty years, and a rate of interest not exceeding seven per cent. per annum, and to receive the convertible bonds of said company, to secure the said county, and such other security as shall be agreed upon and approved by the said board of commissioners. Authorized to borrow money. Loan credit of county.

SEC. 4. The shares of stock in said road, as authorized as aforesaid, or the bonds and other securities of said company, thus taken by said county, and all dividends and interest arising from the same, are hereby inviolably pledged for the payment of the principal and interest of said county bonds; *Provided, however,* That the board of commissioners may sell such shares of stock or such bonds and other securities of said au- Stock and bonds pledged for principal and interest on county bonds. Proviso.

thorized railroad company, but the proceeds thereof, and interest, shall still be pledged to pay the interest and principal of said county bonds.

Levy annual tax to pay interest of bonds

SEC. 5. The board of supervisors of the county of Calumet, shall annually levy a tax upon all taxable property of said county, sufficient to pay the interest upon such bonds, after deducting the dividends received by said county, on said shares of stock, or the interest on said bonds of said company, and in any year, when the said bonds shall become due, the board of supervisors of said county, shall levy a tax, as aforesaid, sufficient to pay said bonds, so becoming due, after deducting any and all sums received by said county, on the sale of shares of stock, or of the bonds of said company or dividends, not exceeding in the payment of interest.

Appoint railroad commissioner—duty of same.

SEC. 6. The said board of commissioners shall annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of the said authorized railroad, for the election of directors therefor, or for the transaction of other business, and shall be entitlnd to cast one vote for every share of stock which said county shall hold in said railroad company, and in case of his absence or inability to attend, to appoint, in writing, under their hands, some other person, who shall have the same power.

Legal voters to vote upon question of loaning credit.

SEC. 7. No bonds shall be issued in pursuance of the provisions of this act, nor shall the credit of the county be loaned to said authorized railroad company, until a majority of the legal voters of said county voting upon said question, shall vote in favor of the same, at an election called by the clerk of the board of supervisors or the sheriff of said county for that purpose, to be holden at the same time and place, when and where the annual township meeting for the election of town officers, or the general election in November, is required to be held; *Provided*, That no election shall be held at next annual town meetings, and the vote upon said question shall, by virtue of this act, be taken once only at such election; those voting in favor, shall vote a ballot with the words inscribed thereon, "For the loan," and those voting against, shall vote a ballot with the words inscribed thereon, "Against the loan." The clerk of the board of supervisors, or the sheriff of said county

Proviso.

Ballot, what to contain.

shall give at least six weeks' notice of the time and place of holding said election, by publishing the same in one or more newspapers published in each of the following counties, to wit: The county of Fond du Lac, the county of Manitowoc, and in addition to such publication in said newspapers, by notice posted at least four weeks prior to election, in not less than three public places in each organized town in said county of Calumet, one of which places shall be where the poll is actually held; and this act shall be published in connection with such notice in such newspapers, and also with the said posted notices; and in each case with such posted notices this act shall be posted with the same in both the English and German languages. Said election shall be conducted and the returns thereof made and canvassed in the same manner as an election for county officers in said county of Calumet. To give notice of such election.

SEC. 8. The said bonds shall be signed before being issued by the president and secretary of said board of commissioners, and countersigned by the clerk of the board of supervisors and treasurer of said county, who shall keep a correct register of all bonds so countersigned by him; the said bonds, when signed and countersigned as aforesaid, shall be, in the hands of any *bona fide* holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of said county of Calumet, according to the tenor and effect of said bonds; *Provided*, That no bonds shall be issued except by a majority of said commissioners at a meeting of said board, which order shall be entered upon the records of their proceedings. Signing and registering bonds, &c.

SEC. 9. All contracts entered into by the said commissioners, shall be made in the name of Calumet county, (railroad commissioners) shall be signed by the president and secretary, with the consent of the board; and all contracts shall be made by a vote of a majority of said board, or by some person duly authorized by a vote of a majority of said board, at a meeting of the same. All contracts to be in name of county, &c.

SEC. 10. It shall be the duty of said board of commissioners, on or before the first Tuesday of October in each year, to render a specific statement of their doings to the board of supervisors of said county of Calumet, verified by the oath of the president of said board; and said statement shall also show the sum of Annual statement by commissioners.

money that will become due for interest or principal, or both, upon the bonds of said county, issued by them as aforesaid, for the ensuing year, and the place where the same is payable and what sum of money so to become due, will be required to be raised by a tax upon taxable property of said county.

To fill vacancies.

SEC. 11. Whenever any vacancy shall occur in said board of commissioners by resignation, death or removal from said county of Calumet, of any of said commissioners, it shall be filled by an election of the remainder of said board, by some freeholder of said county; and a majority of said commissioners shall constitute a board for the transaction of any business authorized to be done by said board.

Clerk or sheriff to give notice of election.

SEC. 12. It shall be the duty of the clerk of the board of supervisors, or sheriff of the said county, to give immediate notice of the election, in accordance with the provisions of section seven of this act, whenever a petition signed by one hundred freeholders of said county, shall be presented to either the said clerk or sheriff asking for the same.

Treasurer to keep all securities, &c. given to county.

SEC. 13. And the said commissioners shall for the purpose of safe keeping, and for the further security of the county of Calumet, immediately on delivery, any of said bonds of said county, to said company, deposit with the treasurer of the said county, all and every kind of security or consideration which they may receive or take from said company in exchange for such bonds, and he, the said treasurer, is hereby required safely to keep the same, subject to the order of a majority of said commissioners and the county board of supervisors of said county.

Punishment for converting stock, bonds, &c. to personal use.

SEC. 14. Any person who shall convert to his own use any of the stock, bonds, securities or considerations taken by said commissioners from said company, or exchange such bonds or any part thereof, or the proceeds thereof, when converted into money or other securities, shall on conviction thereof, be deemed and taken to be guilty of feloniously stealing the same; and also on conviction be subject to all the penalties of the law for the stealing of a like amount in value of goods and chattels.

Supervisors authorized to subscribe for towns, &c.

SEC. 15. The board of supervisors of any town in said county of Calumet are hereby authorized to subscribe for their respective town, any sum of money not

exceeding in any town the sum of twenty-five thousand dollars to the capital stock of the Sheboygan and Mississippi railroad company, and pay for the same in the bonds of said towns, respectively, payable within twenty years, with interest payable annually, in the city of New York, at a rate not exceeding seven per cent. per annum.

Stock of towns irrevocably pledged, &c.

SEC. 16. The shares of stock in said railroad company thus taken by said towns, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds; *Provided however*, That the board of supervisors of said towns may sell such shares; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

Interest tax, &c.

SEC. 17. The board of supervisors of said towns, when the same shall become necessary, shall annually levy a tax upon the taxable property of said towns, sufficient to pay the interest upon such bonds, after deducting dividends due to such towns on said shares of stock; and in any year when said bonds, or any part thereof, shall become due, said board of supervisors shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said board on the sale of the shares of the stock of said company, or dividends not expended in the payment of interest.

Railroad commissioner.

SEC. 18. The board of supervisors of each of said towns may annually appoint one railroad commissioner who shall attend the annual or special meetings of the stockholders of such railroad company for the election of directors thereof, and shall be entitled to cast one vote for every share of stock, which said town shall hold in said railroad company, and in case of the absence of such commissioners, or inability to attend, to appoint in writing under their hands, some other person who shall have the same power.

Vote on issue of bonds.

SEC. 19. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said towns, voting upon said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held at the usual time and place of holding elections in said towns. At such elections those voting in favor shall vote a ballot with the words inscribed thereon,

"For the railroad," and those voting against it shall vote a ballot with the words inscribed thereon, "Against the railroad." One week's previous notice of said election, shall be given either in a newspaper published in said towns, or by notice posted in three public place in said towns respectively; said elections shall be conducted, and the returns thereof made and canvassed in the same manner as at the annual town meetings of said towns.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 298.

An Act to authorise the Franklin Fire and Marine Insurance Company to change the location of its general office.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Location of office changed.

SECTION 1. The Franklin Fire and Marine Insurance company is hereby authorized to remove the location of its general office from the city of Fond du Lac to the city of Madison, in this State, and wherever the word Fond du Lac occurs in the charter of said company, it shall be taken to mean Madison.

SEC. 2. This act shall take effect and be in force immediately after its passage.

Approved March 6, 1857.

Chapter 299.

An Act changing the name of the Green Bay, Milwaukee and Chicago Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed

SECTION 1. The name of "The Green Bay, Milwaukee and Chicago railroad company," is hereby changed to

"The Milwaukee and Chicago railroad company," by which name said company shall hereafter be known and recognized in all courts and places.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 300.

An Act to legalize the action of the Town Superintendent of Schools for the town of Trenton, in the county of Washington.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the town superintendent of schools for the town of Trenton, in the county of Washington, in the formation of school district number nine, of said town, on or about the first day of May, A. D. 1855, is hereby legalized and declared of full force and effect, any irregularities in his action in forming said district to the contrary notwithstanding. Proceedings declared legal.

SEC. 2. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 301.

An Act to authorize the collection of a certain tax in Joint School District No. 7, composed of a part of the towns of York and Medina, in the county of Dane, and Portland and Waterloo, in the county of Jefferson, in this State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of joint school district No. 7, composed of a part of the towns of York and Medina, in the county of Dane, and Portland and Waterloo, in Authorized to assess tax omitted.

the county of Jefferson, is hereby authorized and empowered, to assess the school tax, on all that portion of the said district composed of a part of the said town of York, which was voted at the annual school meeting in September, 1856, and not included by the town clerk of the said town of York, in the tax of the year 1856.

Treasurer to collect.

SEC. 2. The treasurer of the said school district is hereby authorized and empowered to collect the said tax assessed as aforesaid, in the manner prescribed by law for the collection of school taxes.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 302.

An Act to authorize the Board of Supervisors of Kewaunee county to procure certain records.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors of Kewaunee county authorized to procure certain records.

SECTION 1. The county board of supervisors of the county of Kewaunee are hereby authorized to procure records relating to real estate in said county, which have been heretofore recorded in the counties of Brown and Manitowoc, to be transcribed from the public records kept in the office of register of deeds of said counties, into suitable books by them provided for that purpose; and such records so transcribed and deposited in the office of register of deeds of said county of Kewaunee, shall be deemed legal records to all intents and purposes, and copies of such transcribed records, properly certified, shall have the same force and effect in all courts and proceedings as copies from the original records would have.

SEC. 2. This act shall take effect on and after its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 6, 1857.

Chapter 303.

An Act to legalize a County Road in the County of Sauk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Road declared a public highway.

SECTION 1. That a road, commencing near Doctor Cowles', at the corner of section thirty-three, in township twelve, north of range seven east, and running from thence to the county line of Columbia county, on the north side of the Baraboo river, as recorded in the record of roads, kept by the county commissioners of Sauk county, on the fifteenth day of August, in the year one thousand eight hundred and forty-eight, on page 51 of the book kept for that purpose, be, and the same is hereby declared to be a public highway, and shall be considered to have been duly established by said commissioners.

SEC. 2. This act shall be construed to be a public act, and shall be in force from and after its publication.

Approved March 6, 1857.

Chapter 304.

An Act to provide for laying out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route.

SECTION 1. O. M. Gabulson, John Anderson and Chile Anderson, are hereby appointed commissioners to lay out and establish a State road, commencing at or near the south-east quarter of the north-east quarter of section 28, town 10, range 13, in the county of Dodge, to the village of Columbus, in the county of Columbia.

May adopt portions of roads now in use, &c.

SEC. 2. Said commissioners may adopt so much of any survey or established road now in use, as they may think proper; *Provided*, That no compensation

shall be allowed for laying out the said road over any route which has previously been laid, nor until the law of 1853, relative to State roads, has been fully complied with.

Commissioners powers.

SEC. 3. Said commissioners shall proceed in the same manner, and have the same powers as provided for supervisors of towns in laying out roads.

Compensation.

SEC. 4. It shall be optional with the boards of supervisors of the several counties through which said road shall pass, to determine the amount of compensation to be paid said commissioners for their services.

SEC. 5. This act shall be in full force and effect from and after its pasage.

Approved March 6, 1857.

Chapter 305.

An Act for the relief of School District No. 4, of the town of Rosendale, in the county of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Meeting authorized to levy a tax for school purposes.

SECTION 1. The qualified voters of school district No. four (4,) of the town of Rosendale, in the county of Fond du Lac, are hereby authorized to hold a meeting, to be called in the same manner that special meetings are now authorized to be called, to levy a tax for school purposes of one and one half ($1\frac{1}{2}$) per cent. upon the taxable property of said district, as assessed at the last annual town assessment of said town of Rosendale.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 306.

An Act to legalize a State Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of a State road as was surveyed by W. H. Gleason, under the direction, and by the authority of C. J. Marsh, who was appointed commissioner to lay out a State road from Pardeeville, in Columbia county, to Stevens' Point, in Portage county, is hereby made, constituted and declared, to be a public highway. Road declared in a public highway.

SEC. 2. All damages, when ascertained, according to law made and provided in such cases, shall be paid by the counties through which said road runs. Damages.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 307.

An Act to provide for the removal of the County Seat of Marquette county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the election for town officers to be holden in April next, the qualified electors of the county of Marquette shall be and they are hereby authorized to vote for the removal of the county seat of said county to the village of Princeton, in said county, and if a majority of all the votes on that subject at such election be in favor of such removal of said county seat to the said village of Princeton, then the said village of Princeton shall be the permanent county seat of said county. Vote on removal of county seat authorized.

SEC. 2. The votes cast on the subject of the removal of said county seat, as above provided, shall be by bal- Ballots.

lot; said ballot shall have written or printed on them, or partly written and partly printed, the words, "For removal of the county seat to Princeton," or "Against removal of the county seat to Princeton;" and no other form of ballot shall be counted or allowed in the canvass of said votes under any pretence or pretext whatever, but shall be deemed to be and are hereby declared to be utterly void.

Laws that apply.

SEC. 3. All laws now in force relative to elections shall apply and extend to the subject matter of this act, except so far as such laws may be repugnant to the provisions of this act.

Separate ballot box.

SEC. 4. It shall be the duty of the supervisors of the several towns in said county to prepare a separate box wherein the said ballots shall be deposited.

Canvass of votes.

SEC. 5. At the close of the polls the said votes shall be publicly canvassed by the inspectors of elections in the several towns, who shall respectively draw up a statement in writing, setting forth in words, at full length, the whole number of votes given "For the removal of the county seat to Princeton," and the whole number of votes "Against removal of the county seat to Princeton," and shall cause a duplicate copy thereof to be made, which statement and duplicate they shall certify to be correct.

To file statement of election, &c.

SEC. 6. One of such statements shall be forthwith delivered to the town clerk, to be filed and preserved by him, and the other shall be enclosed, sealed up and directed to the clerk of the board of supervisors of said county, to whom such statement shall be delivered on or before Tuesday next following the election aforesaid.

Canvass.

SEC. 7. The votes cast, as above provided, shall be canvassed, certified, and the result ascertained and declared by the same officers at the time and in the manner provided by law, for canvassing, certifying and ascertaining the result of elections for county officers, and such result when so ascertained, shall by said last canvassing officers be reduced to writing, and by them certified to be in all respects true and correct, and when the same is so reduced to writing and certified, the clerk of the board of county supervisors shall record the same in some county record book in his office, and shall thereafter without delay, by mail transmit the original to the Secretary of State at Madison, in said State, who shall upon the receipt thereof, file and preserve the same.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 308.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Job Barstow, Joseph Shepard, and Truman Higgins, are hereby appointed commissioners to survey and lay out a State road, commencing at the village of Garrison, in the county of Sauk, thence westerly, on the main road, to west line of section twenty-eight (28), township number twelve (12), north of range number seven (7), east; thence north, to the north-west corner of said section number twenty-eight (28), thence by the most feasible route to Kilbourn city, in the county of Columbia; *Provided*, That the whole expense of said survey and location be paid by the county of Sauk; *Provided*, That no compensation shall be allowed for laying out said road over any portion of the route, where a road has been previously laid; and no compensation shall be allowed, unless the commissioners shall fully comply with the provisions of chapter 44, of the general statutes of 1853. Commissioners and route. Provisos.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 309.

An Act to organize the County of Oconto, for judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the 20th day of April next, the county of Oconto shall be fully organized for County organized for judicial purposes.

judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this State.

Terms of court

SEC. 2. In said county, two terms of the circuit court shall be holden annually, at the county seat thereof, to-wit: On the second Monday of June, and the third Monday of December.

Writs returnable, &c.

SEC. 3. All writs shall issue and be made returnable, as required by law in other counties, and laws now in force, applicable to the summoning and empanelling of jurors, shall be applicable to and be in force, in the said county of Oconto.

Actions, suits, appeals, &c.

SEC. 4. All actions at law, and suits in equity, all cases of appeal and of *certiorari*, all criminal cases, and all manner of judicial proceedings whatsoever, cognizable before the circuit courts of this State, having arisen in the county of Oconto, and having been either commenced as an original cause of action in, or removed, by appeal or by writ of *certiorari* to the circuit court for the county of Brown, and now pending in said court, and all actions at law, and suits in equity, all cases of appeal and of *certiorari*, all criminal cases, and all manner of judicial proceedings whatsoever, cognizable as aforesaid, arising in the county of Oconto, hereafter commenced as an original cause of action in, or removal by appeal, or by writ of *certiorari* to the circuit court for the county of Brown, prior to the 20th day of April, A. D., 1857, shall be removed to the circuit court, for the county of Oconto.

Election of officers.

SEC. 5. The qualified electors of the said county of Oconto shall, on the first Tuesday of April, A. D., 1857, elect a sheriff, clerk of the court, and district attorney, for said county, who shall hold their offices until the first day of January, A. D., 1860, and a county judge, who shall hold his office for the term of four years, and until his successor is elected and qualified. At such election, the votes given for such officers, shall be returned and canvassed, in the same manner as votes are returned and canvassed at a general election in other organized counties of this State.

Approved March 6, 1857.

Chapter 310.

An Act to Organize the town of Otumba, in Door County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1, Township (No. 27,) twenty-seven, and (No. 28,) twenty-eight, range (No. 25 and 26,) twenty-five and twenty-six east, and fractional township (No. 27,) twenty-seven and twenty-eight, (28), range (No. 27,) twenty-seven east, are hereby set apart and organized as a separate township under and by the name of Otumba, and under such name shall be entitled to all the rights and privileges heretofore granted under the laws and restrictions of the statutes of this State. Town of Otumba organised.

SEC. 2. All the remaining townships and parts of townships included in the county of Door, and being south of those included in the town aforesaid, mentioned in the first section of this act, are hereby attached to said town of Otumba for all township purposes until otherwise organized according to law. Townships attached.

SEC. 3. The first town meeting of said town shall be held over the store of Robert Graham, on the first Tuesday of April next, and annually thereafter. First meeting.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 311.

An Act to provide for laying out a State Road from Green Bay, in Brown county, to Big Sturgeon Bay, Door county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John V. Snydam, Joseph Harris and William P. Allger, are hereby appointed commissioners to lay out and establish a State road from some point in Commissioners and route.

the city of Green Bay, in Brown county, to Big Sturgeon Bay, in Door county.

Compensation. SEC. 2. The said commissioners shall receive a just compensation for their services, from the counties through which the road shall pass; each county paying a just proportion of said expense; *Provided*, That no compensation shall be allowed for laying said road over any portion of the route where a road has been previously laid; *And, provided further*, That no compensation be allowed, unless the commissioners shall have fully complied with the provisions of chapter 44, of the general statutes of the year 1853.

Provisos.

SEC. 3. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 312.

An Act to vacate a portion of Elizabeth street, in the western addition to the village of Omro.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Street vacated. SECTION 1. All that portion of Elizabeth street, in the western addition to the village of Omro, being and lying north of Water street, and situated between lots nine and ten, is hereby vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 313.

An Act to provide for the widening of the Menominee river, and for the construction of a canal from the mouth of said river, to the quarter section line between the south east and south west quarters of section thirty in the fourth ward of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Council authorized to widen Menominee river and construct a canal.

SECTION 1. The common council of the city of Milwaukee, are hereby authorized and empowered to widen and enlarge the Menominee river, or any portion thereof, within the limits of the 4th ward of said city, and also to provide for and construct a canal from the west line of said Menominee river, opposite lots 1 and 2, in block 155, in the 4th ward of said city, through the bayou westerly to Monroe street, thence south westerly to a point at or near the south-east corner of the west half of the south-west quarter of section twenty-nine, thence westerly along the line between the fourth and eighth wards, so as to render the same more useful for navigation; *Provided*, The expense of said improvement shall be defrayed by the owners of property benefitted by said improvement; *And, provided further*, That no land shall be taken for that purpose, without the consent of the owner or owners thereof, unless the necessity of taking the same shall be first established by the verdict of a jury; and the common council of the city of Milwaukee, are hereby directed to proceed in the taking of such land and in determining the amount of compensation to be paid therefor, and in assessing benefits and damages, in the manner provided in the charter of the city of Milwaukee, and the amendatory act thereto then in force, in reference to the laying out and widening of streets, except that the right of appeal shall be allowed in the manner hereinafter specially provided.

Provisos.

Width of canal &c.

SEC. 2. Said river and canal, when widened, shall not exceed two hundred and twenty feet in width, and for the purpose of widening said Menominee river, a strip of land shall be taken from the north side of block 155, and the north and north-easterly side of block 158, and for the purpose of widening and extending

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 314.

An Act in relation to the La Crosse and Milwaukee Railroad Company, approved March 28, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. Section three of an act entitled "An act to amend an act entitled an act to incorporate the La Crosse and Milwaukee Railroad Company," approved March 28th, A. D. 1856, be and the same is hereby repealed.

Annual election—when held.

SEC. 2. The annual election of directors of the said La Crosse and Milwaukee Railroad Company shall be held on the Thursday next after the third Wednesday of April, annually. The notice for such election shall be given in conformity to law.

Amendment.

SEC. 3. Section two of the act entitled an act to amend "An act in relation to the La Crosse and Milwaukee Railroad Company," approved February 20th, 1857, is hereby so amended as to read as follows: It shall not be necessary for the said company, in their application for the appointment of commissioners, or in the published notice of such application, to specify any particular tracts of land in reference to the value of which they wish an appraisal and award made by the commissioners; but it shall be sufficient in such application and notice to describe said lands as being all the lands upon the route of said railroad, or upon any part thereof which may be designated by the said company in such application and notice, possessed, occupied or used by the said company for any of the purposes for which the said company is authorized to possess, occupy or use lands, and any appointment of commissioners heretofore made by the supreme court or any judge thereof, is hereby declared valid; and any commissioners who have been heretofore ap-

pointed or who may be hereafter appointed, are hereby authorized and empowered to make an appraisal and award in pursuance of the provisions of said act, approved March 28, 1856, of any tract of land taken, possessed, occupied or used by the said company for any of the purposes for which the said company is authorized to take, possess, occupy or use any lands which the said commissioners have been or may be appointed to appraise.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 315.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Harris Searls, Garwood Green and Melvin Ferris, are hereby appointed commissioners to lay out and establish a State road from Weston's Rapids, on Black River, running west and westerly through Clark, Jackson, Eau Claire, Trempealeau and Buffalo counties, to the town of Alma, on the Mississippi River, upon the most direct and practicable route. Commissioners. Route.

SEC. 2. The said commissioners shall be entitled to receive for locating and surveying said road, such compensation for their services from the counties through which said road passes, as the board of supervisors of said counties shall deem just and reasonable; *Provided*, That no part of the expenses of laying out said road shall be paid out of the State treasury; *And, provided further*, That no compensation shall be allowed for laying out the said road over any route that has previously been laid, nor until chapter 44 of the general laws of 1853 has been fully complied with. Compensation. Provisos.

Approved March 6, 1857.

Chapter 316.

An Act to authorize the laying out of a State Road from Blenton Post office, in the town of Plainfield, Waushara county, to town 20, range 5, in Adams county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. Route.

SECTION 1. That N. F. Beckwith, Emerson Patterson and Ambrose Pettis, be and they are hereby appointed commissioners to lay out a state road from Blenton post office, in the town of Plainfield, in Waushara county, to town twenty(20), range five, in the county of Adams.

Quorum.

SEC. 2. A majority of said commissioners shall constitute a quorum for the transaction of business, and before laying out said road the said commissioners shall

Give notice.

cause a copy of this act with a notice of the time and place of meeting of said commissioners to be posted up in three public places on said route.

Expenses—by whom paid, &c.

SEC. 3. The expenses of laying out said road shall be paid by the counties through which said road shall be laid, and such compensation as the board of supervisors of the several counties shall deem sufficient;

Proviso.

Provided, That no compensation shall be allowed for laying out the said road over any route which has previously been laid; nor until the law of 1853, relative to State roads, has been fully complied with.

SEC. 4. This act shall be in force on and after its passage.

Approved March 6, 1857.

Chapter 317.

An Act to amend Chapter 480 of Session Laws, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section 2 of chapter 480 of the private and local laws of 1856, is hereby so amended, the fol-

lowing shall be inserted in said section, after the last word thereof: "Said supervisors shall be elected for the term of one year, and after the first election specified in the act, shall be elected at the annual election, provided for in the act to which this is amendatory."

SEC. 2. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 318.

An Act to authorize E. W. Chapin, his heirs or assigns, to build and maintain a Dam and Race on the stream running through the place usually called "Batavia," in the town of Scott, in the county of Sheboygan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. E. W. Chapin, his heirs or assigns, are hereby authorized to build and maintain a dam across the stream running through the place usually called "Batavia," in the town of Scott, in the county of Sheboygan; within one hundred rods above where the State road crosses said stream in said place, called Batavia, also to construct a race, from the dam on the south side of said stream, where it will level for water power purposes, to extend down the stream as far as required for the benefit of said water power. Authorized to maintain a dam. A race.

SEC. 2. The chairman of the board of supervisors, and any two justices of the peace of said town of Scott, which the said chairman may call to his assistance, shall constitute a board of appraisers, to appraise all damages done by the erection of said dam and race, which the said E. W. Chapin, his heirs or assigns cannot settle by private contract; and the said board of appraisers shall receive for their services, the same amount per day that is paid town officers, said amount to be paid by the said E. W. Chapin, his heirs or assigns. Board of appraisers—duties.

SEC. 3. Whenever such appraisal of said damages shall be made by said board of appraisers, and the amount of damages awarded by them, paid to the ag- When damages paid, &c.

grieved party, by the said E. W. Chapin, his heirs or assigns, then he, the said E. W. Chapin, his heirs or assigns, shall be entitled to all the privileges mentioned in section one of this act; *Provided*, Either party shall have the right of appeal to the circuit court of Sheboygan county.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 319.

An (Bill) [Act] to incorporate the North La Crosse and Mississippi Plank Road and Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. A. W. Pettebone, Francis M. Rublee, Stephen Martindale, Wm. R. Sill, and Robt. E. Gillett, are hereby created a body corporate, by the name, style and description, of the North La Crosse and Mississippi Plank Road and Bridge Company, with perpetual succession, and by that name shall be and are hereby made capable in law, to purchase, hold, enjoy, retain them and their successors lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank or turnpike road, as hereinafter set forth, and the same to lease, sell, grant, or in any manner dispose of; to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make and use a common seal, the same to alter and renew at pleasure, and generally may do and perform all and singular, the acts and matters which to any corporation shall lawfully appertain to do and perform, for the well being of said corporation.

Style.

Capable in law

Powers.

Capital stock.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; and the time and manner of taking stock in said company.

shall be determined by the first board of directors, hereinafter provided for.

First board of directors—term of office, &c.

SEC. 3. The said A. W. Pettebone, Francis M. Rublee, Stephen Martindale, Wm. R. Sill, and Robt. E. Gillett, shall be the first board of directors of said company, and shall hold their office for the term of two years, unless the said board should order an election of directors previous to that time, and should a vacancy at any time occur, the board shall have power to fill such vacancy.

Management, president, elections, &c.

SEC. 4. The affairs of said company shall be managed by a board of five directors, one of whom shall be annually elected president, and all of whom shall be stockholders. In all elections, and in all questions acted on at a meeting of the stockholders, each share shall be entitled to one vote, and a majority of votes shall govern, except in the election of directors, where the five persons having the greatest number of votes, shall be declared duly elected.

Election of directors--notice to be given of same.

SEC. 5. After the expiration of the first two years, the directors shall be elected annually, by ballot, at such time and place as the board may from time to time designate, so be that a notice of such election shall be published by the authority of said board in all the newspapers published in the city of La Crosse, at least four weeks successively, and next preceeding the time of holding said election.

Quorum.

SEC. 6. A majority of said directors shall form a quorum for the transaction of all business, and they shall have power to appoint a secretary and treasurer and such other officers and agents as they shall see fit, and shall fix their compensation and may demand adequate security for their respective trusts, and may remove said officers and agents, and revoke all the powers of said officers and agents at pleasure. The said board of directors shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company; the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of this State when duly recorded in the books of the company, shall be effectual and binding upon the members of said

Appoint officers—duties and compensation.

Powers.

company, and all persons interested therein as if the same formed a part of this act of incorporation.

Installments, and forfeiture of stock.

SEC. 7. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to execute in behalf of the company, a relinquishment of any stock subscribed and executed to the person or persons relinquishing to the same valid releases, discharging them from all liabilities thereafter, for, or on account of the acts of said company or its officers.

Regulate tolls, &c.

SEC. 8. The said directors shall have power to regulate and receive tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the works and the interests and convenience of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed in the by-laws of said company.

Issue certificates of stock.

Route.

SEC. 9. The said company shall have power to construct a plank or turnpike road from some point on section nineteen (19) or thirty, at or near the village of North La Crosse, to some point on the east banks of the Mississippi river, in section twenty-four (24) or twenty-five (25), in township sixteen (16) north, of range eight (8) west. The track of the said road shall be constructed of plank, stone, gravel or solid earth, or either, in whole or in part of each, at the option of the directors, so that the same when completed shall constitute a firm and regular surface. It shall be lawful for the said company to erect such bridge or bridges, or to keep and maintain such ferry or ferries over any stream or streams, upon the line of said road, or over any portion of the line of said road subject to inundation at high water in the Mississippi or Black river, as the directors may deem necessary; and the said North La Crosse and Mississippi Plankroad and Bridge Company are hereby authorized and empowered to occupy for the

Of what constructed.

Lawful.

shall be determined by the first board of directors, hereinafter provided for.

First board of directors—term of office, &c.

SEC. 3. The said A. W. Pettebone, Francis M. Rublee, Stephen Martindale, Wm. R. Sill, and Robt. E. Gillett, shall be the first board of directors of said company, and shall hold their office for the term of two years, unless the said board should order an election of directors previous to that time, and should a vacancy at any time occur, the board shall have power to fill such vacancy.

Management, president, elections, &c.

SEC. 4. The affairs of said company shall be managed by a board of five directors, one of whom shall be annually elected president, and all of whom shall be stockholders. In all elections, and in all questions acted on at a meeting of the stockholders, each share shall be entitled to one vote, and a majority of votes shall govern, except in the election of directors, where the five persons having the greatest number of votes, shall be declared duly elected.

Election of directors—notice to be given of same.

SEC. 5. After the expiration of the first two years, the directors shall be elected annually, by ballot, at such time and place as the board may from time to time designate, so be that a notice of such election shall be published by the authority of said board in all the newspapers published in the city of La Crosse, at least four weeks successively, and next preceeding the time of holding said election.

Quorum.

SEC. 6. A majority of said directors shall form a quorum for the transaction of all business, and they shall have power to appoint a secretary and treasurer and such other officers and agents as they shall see fit, and shall fix their compensation and may demand adequate security for their respective trusts, and may remove said officers and agents, and revoke all the powers of said officers and agents at pleasure. The said board of directors shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company; the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of this State when duly recorded in the books of the company, shall be effectual and binding upon the members of said

Appoint officers—duties and compensation.

Powers.

if the owner shall be under legal disability, or out of the State, then it shall be lawful for the judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charges of said company, to appoint three disinterested persons of said county to view and examine said land, and estimate the injury and damage, if any in their judgment will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report, being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day each for their services, to be paid by said company, in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered; *Provided*, That in case the owner of such land be under any legal disability, the cost of such assessment shall be paid by said company; and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of such lands from the construction of said road; *Provided further*, That either party may appeal to said court, within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court; *And provided further, also*, That upon payment or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of said county, the said company may immediately take and use the same without waiting the issue of said appeal.

Viewers entitled to compensation.

Proviso.

Proviso.

Proviso.

Regulate tolls, &c.

SEC. 13. The board of directors of said company shall have power to regulate the tolls, and erect and keep toll-houses and gates at such distances along said road, or upon said bridge or bridges, as they may deem necessary for the convenience of the public, and the interest of the company; all of which shall be specified in the by-laws of the company; *Provided, however*, That the rates of toll shall not be exorbitant; and the said company is hereby authorized and empowered to

Proviso.

receive and collect of any and all persons using in any manner the road of said company, such amount of toll as shall be determined by the board of directors.

May receive real or personal security in payment of stock.

SEC. 14. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, (subject) to the approval of said board of directors; and upon acceptance of such security from said stockholders, or any of them, the subscription of such stockholders shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscriptions to said stock in securities aforesaid, to contract and to pay to said company, interest at the rate of twelve per centum per annum for a period not exceeding ten years; and to execute to said company by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Execute bonds &c.

Willful damage to road—penalty.

SEC. 15. If any person shall willfully or knowingly obstruct, brake or injure or destroy the said road to be constructed by said company, or any part thereof, or any work, building, or fixtures attached to, or in use upon, the same, belonging to said company, such person or persons so offending shall each of them, for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Willful damage to toll gates—penalty

SEC. 16. Any person who shall willfully brake down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road or forcibly or fraudulently pass any such gate and without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal, turn out said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall,

for each offence, forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages.

Place of meeting of directors.

SEC. 17. The board of directors of this company may meet at any time after the passage of this act, at the village or city of La Crosse, for the purpose of a permanent organization of the company, by serving a written notice by any one member, upon all the members of said board, personally, of a time and place of meeting, and may immediately proceed to survey, lay out and construct said road and bridge or bridges.

Company liable for injuries &c.

SEC. 18. Said company shall be liable for all injuries or damages which any person may sustain in his person or property, by reason of said road being out of repair; also, the said company shall be subject to the restrictions, liabilities and privileges of plank and turnpike road companies, as provided in the thirty-ninth section of the fiftieth chapter of the revised statutes.

Approved March 6, 1857.

Chapter 320.

An Act to amend "An Act to authorize Euclid B. Houghton and Simeon D. Powers to keep and maintain a Ferry across the Mississippi River," approved March 31, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section three of chapter 360 of private and local laws of 1856, is hereby amended, by striking out "1857," and substituting therefor "1859."

Amendment.

SEC. 2. Section one of said act is hereby amended, by striking out "five years," and substituting therefor "ten years."

SEC. 3. This act shall take effect from and after its passage.

Approved March 6, 1857.

Chapter 321.

An Act to increase the jurisdiction of the County Courts of Douglass, La Pointe and St. Croix Counties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Additional powers and jurisdiction conferred.

SECTION. 1. The county courts of Douglass, La Pointe and St. Croix counties, in addition to the powers and jurisdiction conferred on the county courts by chapter eighty-six of the revised statutes, shall have and exercise powers and jurisdiction within said counties equal to and commensurate with the circuit courts of said counties of Douglass, La Pointe and St. Croix, in all civil cases where the amount in controversy shall not exceed the sum of five thousand dollars; *Provided, however,* That nothing herein contained shall be so construed as to confer equity or criminal jurisdiction upon said courts. Proviso.

Rights to writs of error and appeals.

SEC. 2. Parties to causes shall have the same rights to writs of error and appeals from said county courts to the supreme court as is now allowed by law from the circuit courts of this State.

Juries.

SEC. 3. A panel of petit jurors for each term of said court shall be drawn in the same manner as now is or hereafter shall be provided by law for the circuit court of the said counties, and the persons serving on such panels of petit jurors, shall be paid at the same rate and the same manner as is now or hereafter shall be provided by law for the payment of petit jurors in the said circuit courts of Douglass, La Pointe and St. Croix counties, and jurors for the trial of issues shall be drawn, empanneled and sworn in the same manner as in the circuit courts of this State, and the said county courts shall have, exercise and use the same process for summoning such petit jurors as is now or may hereafter by law be used by the circuit courts of this State.

Fees of judge.

SEC. 4. The fees and compensation of the judge of said county courts, shall be as provided for county judges of county courts in chapter one hundred and thirty-one of the revised statutes, except that for all

services in a cause wherein judgment is confessed by defendant, or cause disposed of without a trial, on the merits or return of process, he shall receive two dollars; for all services on the trial of a cause without jury, including the rendition of a judgment, three dollars; for all services on the trial of a cause without a jury, including, receiving and entering verdict, and rendering judgment, or if the jury be discharged and a new trial ordered, or a cause otherwise disposed of, three dollars and fifty cents for hearing.

Terms of court

SEC. 5. The term of said court shall be the same as now provided by law for the present county courts of Douglass, La Pointe and St. Croix counties; *Provided, however*, That there shall not be to exceed four regular terms for jury trials in each year, and they may be held in such months in the year as shall be designated from time to time, by the judge thereof; *Provided further*, That no jury term of said court shall be held while the circuit courts of said counties is in session for jury trials.

Proviso.

Proviso.

Power to hold adjourned terms, &c.

SEC. 6. The judge of said court shall have the same power to hold special or adjourned terms of his court as is now or hereafter may be conferred upon the circuit court of Douglass, La Pointe and St. Croix counties, and the said county courts shall have the same power to issue special *venires*, and to summon talesmen to serve juries therein, as is now or hereafter may be conferred upon the said circuit court of Douglass, La Pointe and St. Croix counties.

Elections of judges—when held.

SEC. 7. The election of judges of the county courts of Douglass, La Pointe and St. Croix counties, respectively, shall be held on the first Tuesday of July, 1857.

Repealed.

SEC. 8. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 322.

An Act to authorize certain towns in Marquette, Waushara and Waupaca counties, to aid in the construction of the Berlin, Wolf River, Waukocheon Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to aid in the construction of a railroad.

SECTION 1. The several boards of supervisors of the town of Berlin, in the county of Marquette, Sacramento, Poysippi and Bloomfield, in the county of Waushara, Lind, Weyauwega, Royalton and Muckwa, in the county of Waupaca, are hereby authorized to subscribe for their respective towns, the following sums to the capital stock of the Berlin, Wolf River and Waukocheon railroad company, to-wit: For the towns of Berlin and Weyauwega, one hundred thousand dollars each, and for each of the other of the above named towns, the sum of twenty-five thousand dollars each, and to pay for the same, in the bonds of said towns respectively, payable in ten years from the date of said bonds, with interest, payable annually, at such place as the said boards of supervisors shall direct, at the rate of seven *per* cent. per annum.

Ratio of stock.

Stock pledged for principal

SEC. 2. The shares of stock in said railroad company thus taken by said towns, and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds; *Provided, however*, That the board of supervisors of said towns, severally, may sell such shares by them subscribed, but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bond.

Shares of stock remain valid and unaffected by sale of road &c.

SEC. 3. The shares of stock so subscribed for and held by any such town, shall not be in any manner effected by any mortgage, lien or incumbrance given or obtained upon such railroad, and in case such railroad shall be sold or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such towns, shall still remain valid and unaffected, and the town shall be entitled to draw the same dividend upon such shares in whosoever hands or control

such railroad may be, as if no such sale or disposition had been made.

Levy annual tax.

SEC. 4. The boards of supervisors of said several towns whenever the same shall become necessary, shall annually levy a tax upon the taxable property of their respective towns, sufficient to pay the interest upon such bonds, after deducting the dividends due to said towns on their respective shares of stock.

Towns to appoint railroad commissioners —duty of same

SEC. 5. The board of supervisors of said towns respectively, may severally appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of such railroad company, for the election of directors thereof; and each town shall be entitled to cast one vote for every share of stock which said towns shall hold in said railroad company; and in case of the absence of said commissioner, or inability to attend, said commissioner may appoint, in writing under his hand, some other person who shall have the same powers.

Legal voters to vote upon issuing bonds.

SEC. 6. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same at an election called within one year after the passage of this act, by the said board of supervisors for that purpose, to be held at the usual place of holding elections in the same several towns. At such election, those voting in favor shall vote a ballot having the words inscribed thereon: "For the railroad;" and those voting against, shall vote a ballot having the words inscribed thereon: "Against the railroad." One week's previous notice of said election shall be given by two or more supervisors of the proper town, by notice posted in five public places in each of said towns, and by publication for the term of twenty days, in a newspaper printed in the county in which any such election shall be called. Said election shall be conducted, and the returns thereof made and canvassed in the same manner as at the annual town meetings of said towns.

Ballots what to contain.

Give notice of election.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 323.

(A Bill for) An Act to authorize certain towns in Waupaca and Waushara counties to aid in the construction of a railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The respective boards of supervisors of the towns of Weyauwega, Lind, Royalton and Mukwa, in the county of Waupaca, and towns twenty (20) and nineteen (19) north, range thirteen (13) east, in the county of Waushara, are hereby authorized and empowered, on the conditions and for the purpose of aiding in the construction of the Ripon and Wolf River Railroad, to issue the bonds of their respective towns, for any sums of money not exceeding in the aggregate the amount in each town as hereinafter named and specified, to wit: The town of Weyauwega, one hundred and fifty thousand dollars; the towns of Lind, Mukwa and Royalton, fifty thousand dollars each; towns nineteen (19) and twenty (20) north, of range thirteen (13) east, for fifty thousand dollars each. Authorized to aid in the construction of a railroad. Ratio of stock.

SEC. 2. Such bonds shall be signed by the chairman of the town board of supervisors and countersigned by the town clerk of the said towns, and shall be of such denomination and payable at such place as the board of supervisors issuing them may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest not exceeding eight per cent. per annum, payable annually or semi-annually. Bonds—by whom signed.

SEC. 3. Such bonds may be delivered to the Ripon and Wolf River Railroad Company at their par value, in payment for shares of stock to be subscribed by the supervisors of the town in the capital stock of said railroad company for the benefit of said town; but no such bonds shall be issued until a majority of the legal voters of the towns, voting upon the question, shall have voted in favor of such issue. A special election for that purpose may be called by a majority of the supervisors of the towns, at the usual place of holding the annual town meeting, at such time as they may deem proper; Bonds at par value. Legal voters to vote upon question of issuing bonds at a special election.

but in either case notice of the election shall be posted up in five public places in the town, and be published in a newspaper printed in the county, for twenty days preceding such election; such notice shall specify the amount of the bonds proposed to be issued to said railroad company, the length of time they are to run, the rate of interest they shall bear, and the place where the same shall be payable. At such election, those voting in favor of the proposition shall deposit a ballot containing the words thereon, "For the railroad," and those voting against it shall deposit a ballot containing thereon, "Against the railroad." The election shall be conducted and the votes shall be canvassed, certified to and recorded in the same manner as the votes given at the annual town meeting.

Railroad company to give security.

SEC. 4. Before the supervisors shall issue and deliver such bonds, said railroad company shall give security to the satisfaction of said supervisors, that the money arising from the sale of bonds, shall be faithfully applied to the construction of the Ripon and Wolf river railroad, and the said railroad shall be completed to such point, within such time as they may deem it safe and expedient to require.

Stock pledged for the payment of principal and interest, &c.

SEC. 5. The shares of stock in said railroad company, thus taken by any town, and all dividends arising therefrom, shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor, as also for the faith of said town, but the supervisors of the town may sell the shares of stock taken in said railroad, by such town, if authorized so to do by a majority of the legal voters voting at any annual town meeting in such town, and thereafter, the proceeds of such sale, and the interest thereon, shall be and remain irrevocably pledged to pay the principal and interest of such bonds, and the supervisors, whenever it shall become necessary to levy a tax upon the taxable property of such town, sufficient to pay the interest upon such bonds, and the principal, when it shall become due, and such tax shall be assessed, levied and collected, in the same manner as other taxes in such towns are assessed, levied and collected, by law.

In case railroad is disposed of, &c., shares of stock of town to re-

SEC. 6. The shares of stock so subscribed for, and held by any such town, shall not in any manner be affected by any mortgage, lien or incumbrance, given or obtained upon such railroad, and in case any such

railroad be sold, or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town, shall still remain valid and unaffected, and the town shall be enabled to draw the same dividends upon such shares, in whatever hands or control said railroad may be, as if no such sale or disposition had been made. main valid and unaffected.

SEC. 7. The board of supervisors of each town, holding any shares of stock in said railroad, shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers in said railroad company, and in all questions in which the stockholders may have a vote. Appoint railroad commissioner—duty.

SEC. 8. This act shall be published in one newspaper, published in each of the counties of Waupaca and Waushara, and with the laws of a general nature, and shall be in force from and after its passage. Act to be published.

Approved March 6, 1857.

Chapter 324.

An Act to amend an act entitled "an act in relation to Public Schools in the city of Watertown," approved March 15, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after the first Monday of April next, the number of the commissioners of schools for the city of Watertown, shall be reduced to one from each ward of said city. Commissioners reduced.

SEC. 2. The present commissioners of schools of said city, whose terms of office will expire on the first Monday of April 1858, by the terms of the act hereby amended, shall at their first regular meeting in May next, proceed to divide themselves into two classes, to be denominated 1st and 2d classes; the term of office of the first class shall expire at the end of one year Commissioners to divide themselves in classes.

from the first Monday of April 1857, and of the second class at the end of two years from the same date.

Appointing commissioners—term of office.

SEC. 3. There shall be appointed in the manner now prescribed by law, on the first Monday of April 1858, and on the first Monday of April in each year thereafter, such number of commissioners of schools as may be necessary to supply the places of those whose terms of office is about to expire; such commissioners shall hold their offices for two years and until their successors are appointed and have taken the oath of office.

Superintendent to be appointed by commissioners—term of office.

SEC. 4. The superintendent of schools of said city shall hereinafter be appointed by the commissioners of schools of said city at their first regular meeting in May in each and every year, whose term of office shall commence on the first Monday after his appointment, and shall continue for one year and until his successor shall be appointed and have been duly qualified. If from any cause a vacancy shall occur in said office, the same may be filled by appointment by said commissioners at any regular meeting.

Board of education—power and duty.

SEC. 5. The board of education of said city shall have power and it shall be their duty, immediately after the passage of this act, and at their first regular meeting in May, in each subsequent year, to appoint a school treasurer for said city, whose duty it shall be to exercise, hold and disburse according to law, all moneys received from the school fund or in any manner provided for school purposes, and belonging to said city; and it is hereby made the duty of the county treasurer of Jefferson County, and the city Treasurer of said city of Watertown, to pay over to the said school treasurer, all moneys now in their hands, or which may come into their hands, for school purposes, to which said city may be entitled and to take his receipt therefor.

Duty of county and city treasurers.

School treasurer—duty.

The said school treasurer shall, within the time prescribed by law, give a bond to said city, to be approved of by the board of education of said city, in double the amount of all school moneys received into the treasury during the preceding year, conditioned for the faithful performance of his duties as such school treasurer, and for the payment of any balance in his hands to his successor in office, and shall be subject to all the liabilities and restrictions now imposed upon the city treasurer in regard to the safe keeping and paying out of such moneys; he shall receive no compensation for

his services as such school treasurer, except such as may be allowed by said board of education.

Repealed.

SEC. 6. All provisions of the act which this act is amendatory, inconsistent with this act are herby repealed, and the provisions of this act substituted in their stead.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 325.

An Act to incorporate the Manitowoc and Fond du Lac Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. That Charles Kuehn, William H. Glover, William Bach, Nocholas Wollmer, Benjamin Jones, Charles W. Fitch, Temple Clark, Charles H. Walker, C. Greening, M. J. Thomas, John B. Wilbor, and Charles A. Eldredge, and their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the Manitowoc and Fond du Lac Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally to do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Style.

Capable.

Power.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors shall from time to time determine, and the directors shall cause books to be opened at such times and places as they may designate to receive subscriptions to the capitol stock of said company, under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper printed in the counties of Manitowoc and Fond du Lac, and shall require five dollars on each share of stock subscribed to be actually paid in at the time of subscribing.

First directors —terms of office, powers, &c.

SEC. 3. The said Charles Kuehn, William H. Glover, William Bach, Nicholas Wollmer, Charles W. Fitch, Benjamin Jones, Temple Clark, Charles H. Walker, C. Greening, M. J. Thomas, John B. Wilbor, and Charles A. Eldredge, shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided, and as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions, until after the election of directors by the stockholders, and they shall immediately give not less than thirty days notice in a newspaper aforesaid, of an election of nine directors by the stockholders, at some time and place to be designated by them, and the directors thus elected, shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Management by directors.

SEC. 4. All the affairs of said corporation shall be managed by a board of eleven directors, who shall be stockholders, or of such other number not more than fifteen or less than five, as shall be previously specified in the notice of the election, and the board of directors is hereby invested with all the powers of the corporation.

Chosen annually.

They shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every

pose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone or other materials for embankments, structures or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company, for the purpose of a railroad, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Must compensate for land taken.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized after the route of the railroad shall be determined to enter, and which they are authorized to take possession of and use, and which according to the aforesaid provisions shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the fourth judicial circuit, either in term time or in vacation, for the appointment of

In cases where owners and company cannot agree as to compensation commissioners to be appointed.

Application for appointment of commissioners and their duty.

three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in some county through which said road shall run, and which notice having been duly published, the said judge shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said land,

Award. shall make an award of the amount of compensation which shall be paid by said company for the *land so* taken for any of the purposes aforesaid, and shall deliver one copy of their award to the said company and another copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not, they shall deposit the same in the office of the clerk of the circuit court of such county, within thirty days after making such award, with the costs of the award taxed upon each of said copies, and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which such land shall lie, by giving written notice of such appeal to some one of the commissioners, and

Appeal. upon receiving such notice of appeal it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the said court shall thereupon proceed to render judgment in favor of such claimant, and against said company,

pose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone or other materials for embankments, structures or superstructures necessary to the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company, for the purpose of a railroad, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Must compensate for land taken.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized after the route of the railroad shall be determined to enter, and which they are authorized to take possession of and use, and which according to the aforesaid provisions shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company cannot agree with such owner, guardian or husband, said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any in such county, such sum as said company deems reasonable, and if such offer of compensation shall be neglected or refused, then such question of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the fourth judicial circuit, either in term time or in vacation, for the appointment of

In cases where owners and company cannot agree as to compensation commissioners to be appointed.

Application for appointment of commissioners and their duty.

for every offence, forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum, equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Public act, &c.

SEC. 16. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof, printed by authority of the State, shall be received as evidence thereof, in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 326.

An Act to Incorporate the Wisconsin Lumber and Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Oliver E. Hosmer and Rogers Fowler, and their associates, successors and assigns, be and they are hereby created a body politic and corporate,

Style.

under the name and style of the "Wisconsin Lumber and Manufacturing Company," and under and by that name, they and their successors shall have succession, contract and be contracted with, sue and be sued in all

Organization and powers.

courts and places. They shall have power to organize such company by appointment of a president, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given by them; and when thus organized, they and their successors may have a common seal, and alter the same; they may have a capital stock of five hundred thousand dollars or any less sum, and may issue and

dispose of said stock, and may make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government, management and prosecution of the business of said company, not inconsistent with the constitution and laws of this State and of the United States.

Officers.

SEC. 2. The said company may appoint and employ such officers and agents as may be required by them, and define the power, and prescribe the duties of such officers and agents.

May purchase estate, &c.

SEC. 3. The said company may receive, buy and hold such lands and real estate, and other property, and such lumbering and mining rights as may be deemed necessary by them to the successful prosecution of the business of lumbering, mining, tanning, quarrying, the manufacture of iron and other metals, and the execution of the power herein granted; and may sell and dispose of the same from time to time as they shall deem expedient, and shall have power to lay out and construct, occupy and enjoy such bridges, locks, canals, dams, mills, basins, booms, wharves, piers, and harbors, and appurtenances, on the Menominee river, and on Green Bay, at or near the mouth of said river, and on and from the lands of said company in the county of Oconto, as they may deem expedient and proper, to engage generally in the manufacture of lumber, the business of mining, tanning, quarrying, and the prosecution of such other manufacturing business as said company may deem promotive of their interest and welfare, and for the manufacture, sale and transportation of the products of the mills, mines, quarries, and other business and manufacturing establishment or establishments, with all powers necessary and adequate to carry into effect the successful prosecution of the business, and the execution of the powers herein granted; *Provided*, That none of the powers of this act granted, shall authorize any obstruction to the free navigation of said river or bay.

To construct mills, dams, &c.

Proviso.

To allow boats and vessels to pass canals, &c.

SEC. 4. The said company shall at all reasonable times, permit all boats and other vessels to pass into any harbor or basin, and through any locks and canal, or lie and discharge at any wharf, pier or dock, which may constructed by said company, upon such reasonable compensation and rates of toll as may be assessed by said company, and may also fix and regulate the

rate of tolls upon all bridges constructed by said company; *Provided*, That such rates of toll shall not exceed the rates fixed in such cases, by any existing or future law in this State, applicable to said company.

Proviso.

May incur debt and issue bonds, &c.

SEC. 5. The said company may from time to time incur such indebtedness as they may deem necessary for the successful prosecution of their business, and may issue bonds therefor, payable at such time or times as they may deem proper, bearing interest not exceeding a rate of ten per cent. per annum, may sell said bonds at above or below par, in their discretion, but shall not in any case plead usury, and may secure the payment of any of such bonds by mortgage or mortgages of any or all of its real or personal estate; and it may be lawful for the meetings of the stockholders, officers or directors of said company to be held *within* or without this State, at such time or place as they may determine upon in their by-laws.

SEC. 6. This act shall take effect and be in full force from and after its passage.

Approved Feb. 26, 1857.

Chapter 327.

An Act to repeal chapter one hundred and twenty-three of the private and local laws of eighteen hundred and fifty-six, (1856,) and to amend an act to incorporate the village of Waukesha, approved April 16, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealing clause.

Charter restored.

SECTION 1. Chapter one hundred and twenty-three of the private and local laws of eighteen hundred and fifty-six, is hereby repealed; and the charter of the village of Waukesha, as it existed previous to the passage of said chapter, is hereby restored to its full force and effect, as though the said chapter had not been passed; *Provided*, That nothing in this act shall be construed to affect the powers of the present board of trustees, during their term of office.

Proviso.

Amendment relative to improving streets

SEC. 2. Section thirty-three of "An Act to incorporate the village of Waukesha," approved April 16,

1852, is hereby amended so as to read as follows: Whenever the board of trustees of said village shall determine to have any street or alley, or any part thereof, in said village, graded, paved, or otherwise improved, they shall levy and cause to be collected such sum, by tax on the real estate on both sides of such street or alley, or such part thereof, as may be benefitted by such grading, paving or other improvement, as shall be necessary to complete the same, such tax to be levied on the last assessed valuation of such real estate; but such valuation may be equalized by said board in such manner as shall seem just and reasonable.

Tax.

SEC. 3. In case the said taxes mentioned in the preceding section, or any tax levied for building and repairing side walks, or any part of such taxes, shall remain unpaid at the time fixed for the return of the tax list issued therefor, the street commissioner shall return said tax list to the board of trustees of said village, with an affidavit thereto annexed, showing the lots and the amount of taxes thereon remaining unpaid; and the treasurer of said village, shall, as soon thereafter as said board shall direct, proceed to advertise and sell said lots so returned, for such taxes and legal charges, in the manner provided in said act of incorporation, and with the like effect; *Provided*, That said board of trustees may cause such taxes so returned to be collected as heretofore provided in said act of incorporation.

Proviso.

Oath of office.

SEC. 4. The oath of office of all officers of whom such oath is required, may be taken before any officer authorized to administer oaths, and shall be filed with the clerk of said village.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 328.

An Act to amend an act entitled "An Act to incorporate the Fourth Principal Meridian Railroad Company," approved March 31, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to railroad charter appointing commissioners to receive subscriptions to capital stock.

SECTION 1. Section one of chapter four hundred and fifty-five of the private and local laws of A. D. 1856, approved March 31, A. D. 1856, is hereby amended so as to read as follows: James Moore, Charles S. Rodolph, Stephen O. Payne, N. H. Virgin, Edward Estabrook, Jefferson Crawford, John Edwards, James H. Earnest, D. A. Barrows, James Buchanan, Henry Stiles and A. Tyler, shall be and they are hereby appointed commissioner under the direction of a majority of whom subscriptions may be received to the capital stock of the Fourth Principal Meridian [Railroad] Company of Wisconsin hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places, by publishing the same weekly in some public newspaper published, if there are any, in each of the counties through which said road will run.

May extend road, &c.

SEC. 2. The said company are hereby authorized and empowered to extend their line of railroad southerly, from the point designated as the southern terminus of said road in the act to which this is amendatory, to any point on the State line between the States of Illinois and Wisconsin, within four miles of the fourth principal meridian; and also to extend their said line of railroad northerly beyond the point designated as the northern terminus of their said railroad in the act to which this is amendatory, within eight miles of said fourth principal meridian, as they shall deem expedient; and the same company as to such extended line of road, shall have and possess, and may exercise and enjoy all the rights, privileges, powers and franchises, and be subject to all the liabilities and impositions which are granted to or imposed upon said company as to their line of

railroad in the said act to which this act is amendatory. Section fifteen, town three, range one west, is hereby made one point through which said road shall pass.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 329.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. E. C. Clark, Geo. W. Perry, and George Nettleton, are hereby appointed commissioners, to lay out and establish a State road from the city of Superior, in Douglas county, by the way of Iron city, to Bay city, in La Pointe county, upon the most direct and practicable route. Commissioners and route.

SEC. 2. Said commissioners shall be entitled to receive for locating and surveying said road, such compensation for their services, from the counties through which said road shall pass, as the boards of supervisors of said counties shall deem just and reasonable; *Provided*, That no part of the expenses of laying out said road, shall be paid out of the State treasury; *And, provided, further*, That said commissioners shall not receive pay for running said road, or any part thereof, over any road already laid out and established, and they shall comply with the general law in relation to State roads, in every particular. Compensation. Provisos.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 330.

An Act to incorporate the City of Berlin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

City and Ward Boundaries.

Boundaries.

SECTION 1. All that district of country included in sections three, four, nine and ten, and the east half of sections five and eight in township No. seventeen, north of range thirteen, east from the fourth principal meridian, shall be known and designated as the city of Berlin, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the city of Berlin, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof, shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change aud alter the same at pleasure.

Style.

Corporate powers.

Division into wards.

SEC. 2. The said city shall be divided into four wards as follows: All that portion of said district which lies east of Fox river and north of Huron street, shall be known and described as the first ward; all that part of said district lying west of Fox river, and north of the centre of Broadway, shall be known and described as the second ward; all that portion of said district lying south of Broadway and west of Fox river, shall be known and described as the third ward; all that portion of said district lying south of the center of Huron street and east of the Fox river, shall be known and described as the fourth ward.

Government.

SEC. 3. The government of said city and the exercise of its corporate powers and management, of its fiscal, prudential and municipal concerns, shall be vest-

ed in a mayor and council which council shall consist of the aldermen from the several wards of said city and shall be denominated the "city council," and also such other officers as are hereinafter provided for.

CHAPTER II.

Elections.

Election of officers.

SECTION 1. On the first Monday of April next, there shall be elected in said city, one mayor, one marshal, one superintendent of schools, one city treasurer and one city clerk, from the city at large; and one alderman, one assessor, one justice of the peace and one constable, from each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the city council. The clerk, marshal and superintendent of schools, the alderman and assessor for the second and fourth wards, the justice of the peace, and constables for the first and third wards, elected at the first election provided for by this charter, shall hold their respective offices for one year, and until their successors are elected and qualified; all other officers elected at such first election, and all city officers elected after such first election, shall hold their offices for two years and until their successors are elected and qualified. All elections after the first shall be held on the first Tuesday of April in each year; *Provided, however,* The city council shall have power for good cause to expel any of their own number and to remove from office any officer or agent, whether elected or appointed under the city government, due notice being first given to the officer complained of. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

Proviso.

Notice election.

SEC. 2. The supervisors of the town of Berlin, shall give at least ten days' notice of the time and place of holding the first election under this charter, and of the officers to be elected, by publishing a notice of the same in a newspaper published in said city, and they shall conduct said election in the same manner as elections for town officers are now conducted, and the qualified electors residing in the territory hereby incor-

porated, may vote by ballot for the several city officers whose election are hereby provided for; the ballots for ward officers shall designate for which ward said officer is voted for, and such officer shall be a resident of the ward for which he may be elected.

To fill vacancy

SEC. 3. Whenever a vacancy shall occur in any office in said city, such vacancy shall be filled by the city council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term of such office, and with the same rights and subject to the same duties and liabilities as the person whose office he may be elected or appointed to fill.

Elections by ballot, &c.

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Where two or more candidates for an elective *office* shall receive an equal number of votes for the *same* office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as they shall direct.

Who are entitled to vote.

SEC. 5. All persons entitled to vote for county or State officers, and who shall have resided in the city six months preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Inspectors, &c.

SEC. 6. The elections in said city shall be held and conducted by the alderman, justice of the peace and assessor of each ward, who shall be the inspectors of elections, and shall take the usual oath or affirmation as prescribed by the general laws of this State to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors filled as required by the laws of this State regarding elections.

Challenge and oath.

SEC. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, that you are a citizen of

the United States, (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided in this State one year, and in this city six months, and within this ward ten days next preceding the election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending upon the result of this election." And if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment he shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person otherwise duly qualified shall vote in any ward in which he does not reside, or shall vote more than once at any election, he shall be held liable to indictment as for a misdemeanor, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not mark down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment therefor, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments, and all other indictments mentioned in this act, shall be found and tried in the circuit court.

Punishment for false swearing, &c.

To keep list of names challenged.

Incorrect tallies, &c., by clerks—punishment.

SEC. 8. When any election shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or caused to be delivered such return to the city clerk, who shall forthwith give notice to each of the aldermen elected of their respective elections. Within one week after any election, the city council

Canvass and return of votes

shall meet and canvass said returns, and declare the result as appears from the same.

Vacating office

SEC. 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the city council shall proceed at the next meeting after such vacancy, to fill the same as herein prescribed, and all such vacancies shall be filled by qualified electors residing in that ward where the vacany may occur; but justices may hold their offices in any ward in said city.

Aldermen to be chosen as supervisors.

SEC. 10. The city council shall designate by ballot, two aldermen, members of said council, who shall, when so designated, be entitled to become members of the board of supervisors in and for the county of Marquette, with all the rights, duties and liabilities of the chairman of the board of supervisors of the several towns.

Term of office officers.

SEC. 11. The term of office of every officer elected under this act, shall commence on the second Tuesday of April of the year for which he was elected, and shall unless otherwise herein provided, continue for two years, and until his successor is elected and qualified.

In case of failure to hold election.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the city council may order a new election to be held, on giving ten days public notice in one or more newspapers published in said city.

CHAPTER III.

Officers—their Powers and Duties.

Mayor must reside within city limits and aldermen within their respective wards.

SECTION 1. The mayor and aldermen must be residents within the city limits and each of the aldermen must reside within the ward for which they are elected, and all other officers must be residents of the wards for which they are elected, and every person elected or appointed under this act to any office, shall, before he

Oath of office.

enters upon the duties of said office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk, and the

treasurer, clerk, marshal, and such other officers as the city council may direct, shall severally before they enter upon the duties of their respective offices, execute to the city of Berlin, a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sums and such conditions as the city council shall direct, and said council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace as provided by the general laws of the State, except that their official bonds as well as all other bonds required by this act shall be approved by the city council.

Bond of officers.

Justices of the peace jurisdiction.

SEC. 2. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend in writing to the city council such measures as he may deem expedient; he shall sign all commissions, licenses and permits which may be granted by the city council; he shall endeavor to maintain peace and good order, and see that the laws of the State and ordinances of the city are observed and executed; he shall have power to administer oaths or affirmations and to take and certify acknowledgments of deeds and other instruments in writing, and to prevent and suppress riots or other public disturbances, and he may appoint as many special constables as he may deem proper. The mayor shall have a vote in the council only in case of a tie, and shall preside at all meetings of the city council.

Mayor chief of police and his powers and duties.

SEC. 3. At the first meeting of the city council each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the city council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers, and discharge all the duties of the mayor. In case the mayor and president shall be absent at any meeting of the city council, they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge the duties of the mayor. The president

President of council

or temporary presiding officer, while presiding over the board, or performing the duties of the mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Clerk. SEC. 4. The clerk shall keep all the papers and the records, and the corporate seal of the city, and keep a record of the proceedings of the city council, at whose meeting it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the city council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof, in books provided for that purpose. The clerk shall have power and authority to administer oaths or affirmations.

Treasurer. SEC. 5. The treasurer of said city shall perform such duties, and exercise such powers as may be lawfully required of him by the ordinances of said city, or by the laws of this State. All moneys raised, received recovered or collected, by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasurer, and shall not be drawn therefrom, except by an order, signed by the mayor or acting mayor, by order of the city council, and countersigned and attested by the clerk. He shall keep an accurate account of all moneys, or other things, coming into his hands as treasurer, in a book, provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums were received, which book shall at all reasonable hours be open to the inspection of any person having business therewith. He shall as often as the city council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor, all moneys, books, papers and property in his possession, belonging to said city. The said treasurer shall also be the collector of taxes, and for this service, except as herein otherwise provided, he shall have the same powers, and be subject

to the same liabilities, be governed by the laws, and receive the same compensation as treasurer of towns.

Marshal—his duty.

SEC. 6. The marshal shall perform such duties as shall be prescribed by the council, for the preservation of the public peace, and the collection of license money and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes, to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this State, may pursue and serve the same, in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city, or laws of this State, and forthwith bring such person before competent authorities, for examination, and for such services, he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Superintendent of schools.

SEC. 7. The superintendent of schools shall perform all the duties, and shall have the same rights and powers within said city, and be subject to the same liabilities as superintendents of schools in towns, except that the bond required of said superintendent shall be approved by the city council, and shall [be filed] with the city clerk, and except as otherwise provided in this act.

Council may require further duty of officers

SEC. 8. The city council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with the provisions of this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office.

Official paper.

SEC. 9. The city council at their first annual meeting each year, or as soon thereafter as may be, shall de-

signate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings required by this act, or by the by-laws or ordinances of the city council, to be published in a newspaper.

Affidavit of publication by printer.

SEC. 10. The city printer or printers immediately after the publication of any notice, ordinance, or resolution, which by this act is required to be published, shall file with the clerk of the city, a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

In case officers refuse to deliver up books, &c., of office.

SEC. 11. If any officer after his term of office shall have duly expired, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, or shall willfully retain the same, he shall forfeit and pay to the use of said city one hundred dollars, beside all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects, in the same manner as prescribed by the laws of this State.

Aldermen shall not be interested in any contract, &c.

SEC. 12. No alderman shall be a party to, or directly interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the city council may sue for, and recover the amount so paid from the parties to such contract, and the alderman interested in the same.

Peace officers.

SEC. 13. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal, constable and watchman, shall be officers of the peace, and may command peace and suppress in a summary manner all rioting and disorderly behavior, within the limits of said city, and for such purposes may command the assistance of all by standers, and if need be, of all citizens and military companies, and if any person, by-stander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in cases

where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

City surveyor.

SEC. 14. There may be elected by the city council, a city surveyor, who shall be a practical surveyor, and engineer. He shall keep his office at some convenient place within said city, and the city council shall prescribe his duties and fix his fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city, or either of the wards, shall be the property of the city, and shall be carefully preserved in the office of the city clerk open to the inspection of parties interested.

CHAPTER IV.

The City Council—its general powers and duties.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the city council, and the style of all ordinances shall be "The mayor and city council of the city of Berlin, do ordain, &c." Stated meetings of the council shall be held in accordance with the by-laws or ordinances of said city, but the council may by resolution hold meetings at any other time. The mayor may call special meetings by notice to each of the members, to be served personally, or left at their usual place of residence. Any ordinance passed at any special meeting so held, shall have the same authority as though it were passed at a stated meeting. A majority of the aldermen shall constitute a quorum.

Stated and special meetings.

Council judge of election of its members, &c.

SEC. 2. The city council shall determine the rules of its proceeding, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

Council to have management of finances and their general powers.

SEC. 3. The city council shall have the management and control of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify and amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention

of crime, and for the benefit of the trade, commerce and health thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances rules and by-laws, are hereby declared to be and have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States or of this State; and for such purposes shall have authority by (ordinary) [ordinances], resolutions and by-laws:

Proviso.

To license shows, &c.

1st. To license and regulate the exhibition of common showmen, and shows of any kind, or the exhibitions of caravans, circuses or theatrical performances; and to provide for the abatement and removal of all nuisances under the ordinances, or at common law;

Prevent gaming, &c.

2d. To restrain and prohibit all descriptions of gaming devices and practices, and all playing of cards, dice, or other games, and all horse racing in said city, and to restrain any person from vending, giving away to evade the law, or dealing in spirituous, fermented or vinous liquors, contrary to law. It shall be the duty of the mayor to prosecute for any and all penalties incurred for any violation of any of the provisions of this charter or any by-laws enacted by virtue of this charter, or for any violation of any law of this State within the limits of the said city of Berlin;

Riots, &c.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming;

To cleanse unclean places.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or any unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city;

Slaughter houses, &c.

5th. To direct the location and management of slaughter houses and markets, and to establish rates for, and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials;

6th. To prevent the encumbering of the streets, sidewalks, lanes, or alleys, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, or any other materials or substances, whatever; Encumbering sidewalks, &c.

7th. To prevent immoderate riding or driving in the streets, and to regulate the places of bathing or swimming in the waters within the limits of said city; Immoderate driving and swimming.

8th. To restrain the running at large of cattle, swine, sheep, horses, and poultry, and to authorize the distraining and sale of the same; Cattle, &c., at large.

9th. To prevent the running at large of dogs, and to authorize the destruction thereof, in a summary manner, when at large contrary to any ordinance; Dogs at large.

10th. To prevent any person from bringing or depositing or having within said city, any putrid carcass or any other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unwholesome or unsound beef, pork, fish, hides, or skins of any kind, and in default of which to authorize the removal thereof by some competent officers at the expense of such person or persons; To remove any putrid carcass, &c.

11th. To make and establish public pounds, pumps, wells, fountains, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, and draymen, in the city, and to provide for lighting the streets, public grounds, and public buildings with gas or otherwise; Pounds, pumps, &c.

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds from taxation; Board of health, &c.

13th. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; Bread.

14th. To prevent all persons riding or driving any mule, cattle, horse, or any other animal on sidewalks in said city, or in any way doing any damage to such sidewalks; Driving on side walks.

15th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire works in any place which may be considered by the council danger- Shooting fire-arms, &c.

ous to the city, or any property therein, or annoying to any citizen thereof;

Obscenity. 16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same;

Runners. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to regulate the police of the city;

Markets. 18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the observance of such rules and regulations;

Butchers stalls 19th. To license and regulate butcher stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions;

Hay, fuel, &c. 20th. To regulate the place and manner of weighing hay and the selling the same, and measuring and selling fuel, lime and stone, and to appoint suitable persons to superintend and conduct the same;

To remove rubbish. 21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the roofs, sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant;

Piers and wharves. 22nd. To regulate the construction of piers or wharves, on the Fox river, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon;

Auctions. 23rd. To regulate the time and place and manner of holding public auctions and vendues;

Fire-wardens, &c. 24th. To appoint fire wardens and watchmen, and prescribe their duties;

Weights and measures. 25th. To provide, by ordinance, for a standard of weights and measures, and for the punishment of the use of false weights and measures;

Trees and monuments. 26th. To protect trees and monuments in said city;

Fountains and sewers. 27th. To prescribe and regulate the manner of draining fountains, made by individuals, and the construction of sewers in said city;

28th. To lay out, make, open, keep in repair, or discontinue any highways, streets, lanes, alleys and sidewalks, and bridges, and to keep them free from incumbrances, and to protect them from injury; Highways, &c.

29th. To cause all out or in lots within said city, of less size than ten acres each, that have not been platted and recorded by the owners thereof, as required by law, to be platted and recorded, by authority of the board, and to tax the charges for the said services against the lot or lots, so platted and recorded, to be collected the same as other corporate or general taxes; To plat lots.

30th. To have a common seal, and to alter the same at pleasure. Seal.

SEC. 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote, of a majority of the city council, and shall be signed by the mayor, and shall be published in the official papers of the city, before the same shall be in force, and within fifteen days thereafter, shall be recorded by the city clerk, in books provided for that purpose; but before any of said laws, ordinances, or regulations, or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times, such affidavit or records shall be deemed and taken as sufficient evidence of the fact contained therein. Passage of ordinances, &c. Proof of publication, &c.

SEC. 5. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gun powder [are] stored or kept, at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses and places where spirituous, vinous, or fermented liquors are sold, without the licences therefor required, within the limits of said city, are hereby declared, and shall be deemed public or common nuisances. Abatement of nuisances and suits relative thereto.

SEC. 6. The council shall examine, audit and adjust the accounts of clerk, treasurer, school superintendent, street commissioners, of each ward, marshal, constables and all other officers and agents of said city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of Council to examine and audit accounts of officers, &c.

said city are elected or appointed shall have expired, and the city council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the said council in the discharge of their said duties, in pursuance of this section, or shall refuse or neglect to render his account, or present his books and vouchers to said council, it shall be the duty of the city council to declare the office of such person vacant, and the city council may order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

Finances and Taxation.

City funds and orders.

SECTION 1. All funds in the treasury, except school and county funds, shall be under the control of the city council and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the city council, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable out of such funds as may be ordered by the council, in the hands of the treasurer, and all such orders shall be received in payment of any tax raised for the fund upon which they may be drawn. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferred by indorsement.

City tax.

SEC. 2. For the discharge of any debts against said city, or expenditures authorized by the city council under the provisions of this act or ordinance of said city or to defray the current expenses of said city, the city council shall have power to levy and collect, annually, a tax on all such real and personal property or capital of any kind within said city, subject to taxation by the laws for levying taxes for this State, for the time being, but such tax shall not exceed five mills on the dollar per annum, of the assessed value of such property.

Ward tax.

SEC. 3. The city council may also if deemed necessary, annually levy upon the property liable to taxation

in each ward, a ward tax not exceeding two mills on the dollar per annum, to pay the indebtedness, or defray the current expenses of such ward.

Special tax.

SEC. 4. Special taxes for the purchasing fire engines, buckets, hose, and ladders, and other instruments for suppressing fires, the purchase of materials and erection of engine houses, and the purchase of lots for the same, or for the purchase of lots in a cemetery, and improving the same, for erecting any public buildings for the use of said city, and for improving any public grounds in said city, may be voted by the council at any regular or special meeting; but no such special tax shall be levied and collected until it shall be confirmed by a majority of the electors of said city, who shall vote upon the question of raising said tax at a special election to be held for that purpose. Such elections shall be conducted and the returns made in the same manner as other city elections. The votes at such election shall be by ballot, and the city council shall publish in some newspaper printed in said city, for at least three weeks before such election, a notice of the time and places of holding such election, which notice shall specify the object for which such special tax has been voted by said council, and shall prescribe the form of the ballots to be voted at such election. The city council shall also have power at any general or special meeting to vote to issue the bonds of the city for any of the purposes or improvements in this section above mentioned, and to provide for the payment of the principal and interest of said bonds. Said bonds to be for such sum, for such length of time not exceeding twenty years, and for such rate of interest, not exceeding ten per cent. as the council may decide, and the city council may dispose of them as they may deem proper; *Provided,* That no such bonds shall be issued until two-thirds of the electors of said city voting upon the question shall vote in favor of issuing said bonds at an election to be held for that purpose; such election shall be conducted and notice thereof given by the city council in the same manner as elections for voting special taxes above provided for; *And, provided further,* That all vacant and unimproved lands not laid out and platted and recorded as town lots, and all lands used for agricultural purposes not so laid out and platted and recorded within the territory hereby

Issue of bonds for to make improvements.

Proviso.

Proviso.

incorporated, (except such portion of said lands used and occupied for a dwelling or a garden or nursery or for any mechanical or business purpose not exceeding ten acres in extent,) shall be exempt from taxation from any special taxes for the purposes and improvements in this section mentioned. But all such portions of said lands so used and occupied for a dwelling, garden or nursery, or for any mechanical or business purpose, not exceeding two acres in extent with the improvements and buildings thereon, when any such special tax is levied, shall be assessed separate from the other lands with which it may be owned and connected, and shall be subject to such special tax the same as other property in the city not herein exempted. Such special taxes shall be collected at the same time and in the same manner as other city taxes are collected.

Estate exempt subject to local tax, &c.

SEC. 5. Real estate exempted from taxation by the laws of this State, shall be subject to local taxes for building and improving of sidewalks.

Aldermen of wards to certify to debt of ward.

SEC. 6. The aldermen of any ward shall certify to the council any debt contracted by such ward for the current year, and thereupon the said council (if such debt be a proper claim against such ward) [may] allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of [such] debt allowed; *Provided*, The said council shall in no case allow any such debt, if such allowance will cause the whole amount of such orders so issued to meet the indebtedness of such ward, to exceed the amount of tax levied and collected under the provisions of this chapter, to meet the expenses of the current year, for such ward, assuming as a basis the assessment roll of each [such] year, if then made out, and if not then the assessment roll of the preceding year.

Proviso.

Debts shall not be contracted greater than a certain amount

SEC. 7. No alderman of any ward shall contract debts against such ward in any one year, to an amount greater than the amount of tax, which, under the provisions of this chapter, may be levied in such ward, to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor as if the debt had originally been contracted by such alderman personally; *Provid-*

Proviso.

ed, That no alderman shall be held liable as aforesaid, without proof of his assent as alderman, to the contracting of the liability or debt by the ward.

CHAPTER VI.

Opening of Streets and Alleys.

Power of council over streets, highways, &c.

SECTION 1. The city council shall have power and authority to lay out new highways, streets, alleys, and public walks, and vacate or alter such highways, streets, alleys and public walks as in their opinion shall not be of public utility; to regulate, grade, pave, and improve streets, avenues, lanes and alleys, and to extend, open and widen the same, and notice of the passage, by the city council, of any order for laying out, vacating, changing or altering said highways, streets, alleys and walks, shall be given, by publishing notice of said order in some newspaper printed in said city, immediately after the passage of the order, aforesaid; and if any person shall claim damages, by reason of the laying out or vacating, changing or altering thereof, and shall file his notice of such claim in writing, with the clerk, within thirty days after the order for laying out, vacating or altering shall have been made by the city council, the city council shall cause the damage, if any, over and above the benefits accruing thereby to such claimant, to be assessed by a jury, as herein provided.

Jury to estimate the damages, &c.

SEC. 2. The said city council shall, at the expiration of thirty days after the making and entering of any order for the opening and laying out, extending or vacating any highway, street, alley or public walk, cause to be summoned six good and lawful freeholders, inhabitants of said city, (and not directly interested) who, being first duly sworn for that purpose, shall take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the laying out and opening and extending or widening of any street, avenue, alley or public walk as aforesaid, and shall return the same within six days to the city council, under their hands and seals, which shall be paid out of the city treasury.

CHAPTER VII.

City Improvements.

Street commissioners—their duty.

SECTION 1. The board of inspectors of elections of the several wards shall be a board of street and road commissioners in and for their respective wards, *two of* whom shall be a quorum; one of their number *shall* be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report in detail to the city council of all their acts and doings as such commissioners whenever required, and at the expiration of each year, and before their *term* of office shall expire, shall submit such report and all their books, records, papers, accounts, receipts and vouchers to the council for final settlement and adjustment.

Parties aggrieved may appeal.

SEC. 2. Any person deeming himself aggrieved by any act of the board of street commissioners, may at any time appeal to the city council, who shall inquire into, examine and correct the act or order complained of, as shall seem just and proper, and the further act of the board of ward commissioners in this shall be regulated accordingly.

Street commissioners may contract for grading, &c.

SEC. 3. The said street commissioners shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters and sewers within their respective wards, and to direct and control the persons employed therein.

To repair side walks.

SEC. 4. Whenever the street commissioners *shall* deem it necessary to construct or repair any sidewalk within their wards, they shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper charge and cost. If such work is not done in the time and manner prescribed, the commissioners shall cause the same to be done at the expense of the lots adjoining such sidewalk.

Expenses of surveying streets, &c.—how defrayed.

SEC. 5. The costs and expenses of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, fountains and sewers, shall be chargeable to and payable out of the

fund of the proper ward; opening, grading, gravelling, planking or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting or opposite to such street or alley; but no street or alley shall be graded, graveled, planked or paved, except upon the petition of two thirds of the property holders interested therein, and built at the expense of the lots or parcels of land benefitted thereby, which shall be apportioned among said lots or parcels of land by the street commissioners; *Provided, however*, That where sewers are constructed through alleys, no lot shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; and where sewers are constructed through streets, no lot shall be assessed therefor, except those situated in the blocks fronting on such streets; *And provided further*, That in all cases where improvements or works of any kind are chargeable, by virtue of this section, upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for out of the funds of the proper ward, in proportion to the width of the street, alley, or public grounds. Proviso. Proviso.

Improvements —to make estate of same.

SEC. 6. Whenever the commissioners shall determine to make any public improvements, as authorized by sections three, four and five of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in, in front of each lot, and such estimate shall be filed with the city clerk, for the inspection of the parties interested. The street commissioners shall give notice by advertisement, for ten days, in one or more public newspapers published in the city, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Notice of owners of improvements to be made.

Notice by commissioners to abate nuisances.

SEC. 7. The street commissioners shall give ten days notice, in the official paper or papers, to all owners or occupants of lots which may be deemed injurious to health, by reason of stagnant water remaining thereon,

to abate such nuisance by draining or filling such lot, within a time in said notice to be specified, and if such nuisance shall not be abated or removed within the time so specified, the street commissioners shall cause the same to be abated and removed, at the expense of the property upon which the same may exist.

Commissioners to give certificates on completion of contracts, &c.

SEC. 8. After the completion and performance of any contract entered into by any street commissioners for the work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contractor, the nature thereof, and the description of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act, and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment; *Provided*, That in no event, where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

Proviso.

Appeal.

SEC. 9. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal to the council as hereinbefore provided, and at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days no such order shall be executed.

Poll tax.

SEC. 10. There shall be two days work performed annually on the streets, highways, lanes, and alleys by each male person who by the laws of this State is liable or subject to perform such labor, in the ward where he resides, under the direction of such person as the said commissioners may order and appoint, but such person may, at his option, pay to the said person so appointed by said commissioners, at the rate of fifty cents per day for every day he may be so bound to work; and in default of the payment of such money, or the performance of such labor, the said commissioners of the proper

ward shall issue their warrant to the marshal of said city, for the collection from each and every person so delinquent the sum of one dollar, the amount of the tax aforesaid, with legal costs, and the said marshal shall have the same power and authority, and proceed in the service of the said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees; but before the said persons shall be required to do such work as aforesaid, the said commissioners shall make a correct list and enrollment of all such persons within their wards, and shall file a copy thereof with the clerk of the board of commissioners.

CHAPTER VIII.

Assessing, Levying and Collecting Taxes.

Form of assessment rolls.

SECTION 1. The city council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and alter, revise or amend such forms as they may from time to time deem advisable.

Meeting of assessors and their duty.

SEC. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the city council chamber, and after taking their official oath, shall proceed to organize the body by electing one of their number chairman, who shall be authorized to administer such oaths as shall be required by this chapter, and within such time as the council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots, or parcels of land within said city, sufficient to identify the same, and also all persons or bodies politic or corporate, liable to pay taxes on personal property, and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite the names of such person or body politic or corporate, shall be affixed the value of the personal property for which such person or body politic or corporate shall be assessed. Where there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may, if they deem it advisable, assess any lot or tract

of land in such parcels or such subdivisions as they may deem proper, entering the name of the owner when they can ascertain the same, opposite such tract or parcel of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all the assessors under this act.

Notice of assessment when completed and hearing of parties aggrieved.

SEC. 3. When the same shall be completed, the assessors shall give one week's notice in the official paper, and shall fix a time and place where they will meet for the purpose of hearing objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessors shall make such alterations or revisions as justice and equity may require;

Proviso.

Provided, The time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Return of roll to council, &c.

SEC. 4. Within one week after the time limited for the hearing of such objections, the board of assessors shall return the said assessment roll to the city council, and they may confirm or refer the same back to the board of assessors. The city council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise

Proviso.

and correct the same; *Provided however*, The city council shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Confirming roll, &c.

SEC. 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order confirming the same shall be entered in the proceedings of the city council; thereupon the city council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Taxes a lien.

SEC. 6. All taxes and assessments, general and special, levied under any law of this State, for State, county or city purposes, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of the assessment roll or rolls, by the city council and by the county board of supervisors in each year.

Clerk to make copy of tax list.

SEC. 7. As soon as said tax shall be levied and the list made out by the clerk, the city council shall cause

ward shall issue their warrant to the marshal of said city, for the collection from each and every person so delinquent the sum of one dollar, the amount of the tax aforesaid, with legal costs, and the said marshal shall have the same power and authority, and proceed in the service of the said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees; but before the said persons shall be required to do such work as aforesaid, the said commissioners shall make a correct list and enrollment of all such persons within their wards, and shall file a copy thereof with the clerk of the board of commissioners.

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of land in such parcels or such subdivisions as they may deem proper, entering the name of the owner when they can ascertain the same, opposite such tract or parcel of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all the assessors under this act.

Notice of assessment when completed and hearing of parties aggrieved.

SEC. 3. When the same shall be completed, the assessors shall give one week's notice in the official paper, and shall fix a time and place where they will meet for the purpose of hearing objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessors shall make such alterations or revisions as justice and equity may require;

Proviso.

Provided, The time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Return of roll to council, &c.

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Proviso.

Provided however, The city council shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

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Clerk to make copy of tax list.

SEC. 7. As soon as said tax shall be levied and the list made out by the clerk, the city council shall cause

the same to be copied by the clerk in a book provided for that purpose, setting opposite to each tract of land, and to each person named under proper columns, such sum or sums as may be levied upon such lot, block or piece of land, or against such person; the said copy shall be designated the tax list, and to it shall be appended a warrant signed by and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said list.

To compare same before delivery to treasurer.

SEC. 8. Such tax list, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll as confirmed; to it he shall append his certificate that the same has been compared by him, and that the said assessment roll and the whole thereof, has been copied into such tax list, and the said tax list, when so certified, shall be *prima facie* evidence in any court in this State.

Treasurer's notice of collection.

SEC. 9. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list (describing for what purposes said tax or taxes) has been committed to him for collection, and that he will receive payment of taxes at his office for the term of ten days next ensuing said notice, and all persons paying taxes during said term, shall be entitled to a discount of two per centum, upon the amount paid. If the taxes are not paid within the said time, he may then proceed to collect the same by distress and sale of goods and chattels of the persons charged, giving at least six days' notice of the time and place of sale, by putting up not less than three written notices in as many public places in said city.

Where no goods, &c., can be found, out of which to collect, to make out a delinquent list.

SEC. 10. In case no goods or chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall be his duty to make out a list of all the property and taxes remaining unpaid, on the fourth Monday of January next succeeding the date of his tax list and warrant, and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect taxes, shall be called the delinquent list, and it shall be his duty to return said deliquent list to the treasurer of the county of Marquette, on the

said fourth Monday in January, and he shall at the same time pay over to said county treasurer all moneys then collected by him belonging to the county of Marquette, and all those belonging to the State of Wisconsin, in the same manner as required by law of treasurers of towns.

Treasurer to enforce collection of tax, &c.

SEC. 11. On the expiration of the ten days, the treasurer shall proceed to enforce the collection of taxes in the manner specified in title five of the revised statutes, and if any such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the city council may sue for and recover the amount thereof from the said treasurer and his sureties.

When to collect by distress and sale.

SEC. 12. In case any person against whom personal property shall be assessed, shall have moved out of the city of Berlin after such assessment was made, and before such tax ought by this act to have been collected, it shall be lawful for said treasurer to levy and collect such tax by distress and sale of goods and chattels of the person so assessed in any town in the county of Marquette to which said goods or property may have been removed, or in which he may reside.

Lands omitted

SEC. 13. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall in addition to the assessment for the current year, assess upon the lot or tract so omitted, for such year or years that it shall be so omitted, at the just value thereof when so omitted, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year the same was omitted.

County and State Taxes.

City clerk to furnish supervisors with assessment roll.

SEC. 14. Before the annual meeting of the board of supervisors of the county of Marquette, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the clerk of [the] board of supervisors, who shall lay the same before the board of supervisors at such meeting.

Supervisors to equalize.

SEC. 15. The board of supervisors shall have the right of equalizing the assessment roll of the towns in

said county, and of said city, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Supervisors to levy tax.

SEC. 16. The said board of supervisor may levy a tax as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied and the purposes to be certified to the city clerk, in the manner provided by the general laws of the State, and the said city clerk shall make out a tax list for that purpose, separate from the tax list for city purposes, and shall deliver the same to the city treasurer as provided by law.

City treasurer to pay over delinquent tax of city, &c.

SEC. 17. The city treasurer shall pay over to the county treasurer, the State tax in gold and silver, and county tax and school tax, within the specified time limited in the statute of this State, as is required of the town treasurers.

City treasurer.

SEC. 18. It shall be the duty of the county treasurer of the county of Marquette, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent for any general tax of this State, or for any tax authorized under this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent belonging to said city, either in cash or certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

SEC. 19. The city treasurer shall pay over all other moneys collected by him, to the proper officers, the same as is required of town teasurers by the general laws of this State.

CHAPTER IX.

Fire Department.

To prescribe fire limits and construction of buildings, &c.

SECTION 1. The city council for the purpose of guarding against the calamities of fire, shall have power to prescribe limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits pre-

scribed, shall (not) be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining that damage.

To prevent construction of chimneys, &c. considered dangerous.

SEC. 2. The city council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearth-stones, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories, dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city, to keep away from the vicinity of any fire, all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council shall deem expedient.

Fire buckets.

Duty of officers at fires.

Fire engines and companies.

SEC. 3. The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this State, or the ordinances or regulations of said city, and shall be formed only by voluntary enlistment. Each member of such company authorized to be formed, shall be exempt from poll tax, from serving on juries, and from military duty during the continuance of such membership; and any

person having served for the term of seven years in either of said companies shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty, except in case of insurrection or invasion.

Meeting of fire companies to nominate engineer, &c.

SEC. 4. There shall be a meeting of the members of said companies on the second Monday of April in each year, at such place as may be designated by the city council, when they may nominate and recommend to the city council for appointment, one chief engineer, and three assistant engineers, and the said council shall thereupon confirm said nominations, and the persons so appointed shall perform such duties as the city council shall prescribe; and they may at any time enter into or upon any house, store, or other building or enclosure for the purpose of inspecting the same.

Fines.

SEC. 5. One half of the nett proceeds of all fines or penalties recovered for the breach of any ordinance, by-law, or regulation made in pursuance of this chapter, shall be paid to the fire department.

To arrest, at fires, persons disobeying orders of officers, &c.

SEC. 6. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable, watchman, or any person, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner, such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the city council may prescribe, not exceeding fifteen dollars.

To further protect from fire.

SEC. 7. The city council shall have power to organize such other companies, and make such further regulations as they may deem proper for the protection of property in said city from fire, and may enforce the same by adequate fines and penalties.

CHAPTER X.

Support of Poor.

Poor tax.

SECTION 1. The laws of this State for the relief and support of the poor in towns shall apply to said city, and the city council shall annually levy such tax as may be necessary to comply with the provisions of such laws, and the city council shall appoint one of their number to act as overseer of the poor of said city, who shall perform all the duties as overseer of poor in towns.

CHAPTER XI.

Miscellaneous Provisions.

Work for city to be by contract.

SECTION 1. All work for the city or any of the wards, expenditure of road and poll tax, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

Appropriations.

SEC. 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized.

Judgment, &c. how remitted.

SEC. 3. No penalty or judgment recovered in favor of the city, shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

Actions by city.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall [be] lawful to declare generally in debt for such forfeiture or penalty, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Bridges.

SEC. 5. Bridges shall be maintained, supported and built across Fox river in said city, where the same may be necessary or convenient, at the expense of the city.

Protection of bridges.

SEC. 6. The general laws for the preservation of bridges and the punishment by such laws provided for the willful and malicious injuries thereto, are hereby extended to such bridges, and the city council may make such by-laws and regulations for the preservation of such bridges and enforce the same by adequate penalties; and for any injury done thereto, by boats or

vessels, may proceed against them under the law to provide for the collection of demands against boats and vessels.

Suits against city.

SEC. 7. When any suit or action shall be commenced against said city, the service of process therein, may be made by leaving a copy thereof, by the proper officer, with the mayor, and it shall be the duty of the mayor, forthwith, to inform the city council thereof, or take such other proceedings as by the ordinances or resolutions of the said council may in such cases be provided.

Grade.

SEC. 8. The city council may at any time, under the direction of a surveyor to be appointed by them, cause to be established the grade of all streets, sidewalks and alleys, in said city, and shall cause accurate profiles thereof, to be made, one of which shall be filed in the office of the city clerk.

Commissioners to draft ordinances, &c.

SEC. 9. The city council may appoint one or more commissioners, whose duty it shall be to report to the city council within a reasonable time a draft of all ordinances, by-laws, rules, regulations and forms that may be necessary to carry this act fully into effect, and more full to define the powers and duties, and fix the compensation of the several offices created or authorized by this act. The said ordinances, by-laws, &c., when they shall have been adopted by the city council, shall be published in a convenient form, together with this act, and the same when so published, shall be admitted as evidence in any court within the State, of the passage and publication of such ordinances, without any further publication in the official paper; *Provided*, That the mayor and council of said city shall be entitled to no compensation for their services under the provisions of this act.

City may hold real estate, &c.

SEC. 10. The said city may lease, purchase, and hold real or personal estate, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Executions.

SEC. 11. Every execution issued upon any judgment for the violation or non-observance of any ordinance or by-law of said city, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county or city jail, for such time as shall have been provided by the ordinance under which the judgment shall have been rendered, and for that purpose the said city shall have

the use of the jail of Marquette county, and all persons committed to the jail by the marshal or any other officer shall be under the charge of the sheriff of said county. All fines, penalties, and forfeitures when collected shall be paid into the city treasury for the use of the city.

No law considered as repealing, &c.

SEC. 12. No general law of this State, contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Repealing clause.

SEC. 13. This act may be altered or repealed by the legislature, and all acts and parts of acts inconsistent with and conflicting with the provisions of this act, are hereby repealed.

Public act.

SEC. 14. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Tax to pay indebtedness.

SEC. 15. The common council are hereby empowered to raise by tax a sufficient amount to pay a reasonable proportion of the indebtedness of the town of Berlin, at the time this charter takes effect; such proportion to be ascertained by the equalized assessment of the town and city.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 331.

An Act to amend an act entitled "An Act to incorporate the Germantown Farmers' Mutual Insurance Company," approved April 1st, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to adjustment of losses by fire, &c.

SECTION 1. In case of any loss or damage by fire happening to any member, upon property insured in and with said company, the said member shall give notice thereof in writing to the secretary of said company, within twenty days from the time such loss or damage may have occurred, and the directors of said

the same to be copied by the clerk in a book provided for that purpose, setting opposite to each tract of land, and to each person named under proper columns, such sum or sums as may be levied upon such lot, block or piece of land, or against such person; the said copy shall be designated the tax list, and to it shall be appended a warrant signed by and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said list.

To compare same before delivery to treasurer.

SEC. 8. Such tax list, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll as confirmed; to it he shall append his certificate that the same has been compared by him, and that the said assessment roll and the whole thereof, has been copied into such tax list, and the said tax list, when so certified, shall be *prima facie* evidence in any court in this State.

Treasurer's notice of collection.

SEC. 9. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list (describing for what purposes said tax or taxes) has been committed to him for collection, and that he will receive payment of taxes at his office for the term of ten days next ensuing said notice, and all persons paying taxes during said term, shall be entitled to a discount of two per centum, upon the amount paid. If the taxes are not paid within the said time, he may then proceed to collect the same by distress and sale of goods and chattels of the persons charged, giving at least six days' notice of the time and place of sale, by putting up not less than three written notices in as many public places in said city.

Where no goods, &c., can be found, out of which to collect, to make out a delinquent list.

SEC. 10. In case no goods or chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall be his duty to make out a list of all the property and taxes remaining unpaid, on the fourth Monday of January next succeeding the date of his tax list and warrant, and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect taxes, shall be called the delinquent list, and it shall be his duty to return said deliquent list to the treasurer of the county of Marquette, on the

pro rata, on the premium notes then in force, for the amount necessary to pay any such sum or sums of money borrowed as aforesaid, together with the incidental expenses of collecting the same, and the property insured shall be and hereby is pledged for the payment of any such amount borrowed.

May loan surplus funds on hand, &c.

SEC. 3. It shall be lawful for said company to loan such portion of their money on hand as shall not be wanted immediately for the purposes of said company or corporation, to be secured by bond and mortgage on real estate, for double the sum loaned above all incumbrances, for a term of time not exceeding one year, the interest to be paid half yearly, and in default of such payment, the principal as well as the interest to become immediately due and collectable.

Classification of directors.

SEC. 4. After the next annual election the board of directors of said company shall meet on the next Monday succeeding their election, for the purpose of determining by lot, the term of office of such directors, three of whom shall hold their offices for the term of two years, and two of whom shall hold their office for the term of one year, and annually thereafter there shall be elected once two and then three, and so on changing.

Insurance—Further powers granted.

SEC. 5. It shall be lawful for said company to insure, besides buildings, as provided in section two, of an act to incorporate the Germantown Farmer's Mutual Insurance Company, Approved April 1, 1854, household furniture, stock, grain, and all other personal property.

Approved March 7, 1857.

Chapter 332.

An Act to amend an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to police justice and railroad commissioners.

SECTION 1. Section 6 of chapter one of the act to which this is amendatory, is hereby amended by striking out the words "police justice," and inserting in lieu thereof, the words "one justice of the peace," who

shall be denominated "police justice," and by inserting after the words, "two aldermen for each ward," as follows, to wit: One railroad commissioner for each ward, whose duty it shall be, and they are hereby authorized and empowered to attend the election of directors of any railroad company in which the city of Watertown may own or hold stock, or be entitled to vote upon stock, and such commissioners shall severally be authorized and entitled to cast at such election, one equal one seventh part of the whole number of votes which the city of Watertown may be entitled to cast at such election; also amend section six of chapter one, by striking out the words "one supervisor," and insert in lieu thereof, one supervisor for the first, one for the second, one for the third and fourth, and one for the fifth and sixth wards.

Amendment to sec. 2, chap. 2.

SEC. 2. Section two of chapter two, of said act, is hereby amended by adding to said section as follows: He shall have a vote in case of a tie only, and he shall have power to administer oaths for general purposes, and to take and certify the acknowledgment of deeds and other instruments in writing.

Amendment to sec. 7, chap. 2, relative to duties of marshal.

SEC. 3. Section seven of chapter two of said act is hereby amended by striking out the words "but he shall not serve civil process in any case unless the city is a party," and inserting at the end of said section as follows: The marshal shall possess all the powers of a constable of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or laws of this State, may pursue and serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city, or laws of this State, and forthwith bring such person before competent authority for examination, and for such service [he shall receive] such fees as are allowed constables for like services. He shall appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, of whom he may require a bond for the faithful discharge of their duties, and in case he shall neglect or refuse within ten days after entering upon the duties of his

office, to appoint such deputy or deputies, then the common council shall have power to appoint such deputy or deputies, who shall give a bond to the city, with one or more sureties, in such sum as it may prescribe for the faithful discharge of his duties, and no marshal shall hold any other city or county office, either by election or appointment.

Amendment to sec. 11, chap. 3.

SEC. 4. Section 11, of chapter 3, is hereby amended by inserting after the word "marshal," the words "deputy marshal."

Amendment to sec. 3, chap. 3, relative to jurisdiction over Rock river.

SEC. 5. Section 3, of chapter 3, of said act, is hereby amended by adding thereto as follows: All that part of Rock river within the boundaries of said city, shall be under the exclusive jurisdiction of the said city and its council; and all bridges over the said river, within the limits aforesaid, shall be under its jurisdiction, and the mayor and council of said city are fully empowered to build bridges over said river, remove obstructions and filth, and cause the said river to be kept as clean and as pure as possible; and the said common council shall have power to prevent the erection of buildings or structures of any kind in or upon said river, and to prevent the repairing of any building or structure of any kind now erected in and upon said river, within the limits of said city.

Amendment relative to vacating highways, &c.

SEC. 6. Section 1, of chapter 4, of said act, to which this is amendatory, is hereby amended, by adding to said section as follows: "The common council shall have power, and are hereby authorized to vacate in whole or in part such highways, public squares, grounds, streets and alleys, within the corporate limits of said city, as in their opinion the public interest may require, or such as, in their opinion, are of no public utility; *Provided, however*, The necessity of vacating such highway, public square, grounds, streets or alleys, or any part thereof, shall first be established by a verdict of a jury in the said manner as is provided for laying out public squares, grounds, streets and alleys, in chapter four (4), of the act of which this is amendatory; all the provisions of said chapter, so far as the same are applicable hereto, are hereby adopted as a part of this amendment."

Proviso.

Proviso added to sec. 6, chap. 6.

SEC. 7. Section 6, of chapter 6, aforesaid act, is hereby amended by adding at the end of said section, as follows: "And *provided further*, That no improvement

or work of any kind shall be made or done upon any street or streets, unless upon the application in writing of a majority of the resident owners of lots or parcels of land upon any street or parts of streets in front of such lot or lots."

Amendment by changing time.

SEC. 8. Section nine of chapter seven of said act is hereby amended, by striking out the words—"before the first Monday of December following," and inserting in lieu thereof the words—"before the fourth Monday of January following."

Amendment by adding new section.

SEC. 9. Chapter nine of said act is hereby amended, by adding as follows: Sec. 15. Each and every alderman [of the] aforesaid city is hereby exempt from serving as a juror in any court in the county of Jefferson during his term of office.

Compensation of assessors.

SEC. 10. The compensation of the assessors of said city is hereby fixed at two dollars per day, for each day actually and necessarily devoted by them to the service of the city in discharge of the duties required of them by law, and the same rate for parts of a day.

Treasurer—his duty.

SEC. 11. It shall be the duty of the treasurer of the city of Watertown, on the first days of July, October, January and April of each year, commencing on the first day of July next, to pay to the treasurer of the county in which said city is situated, for each license for selling spirituous, vinous, or fermented liquors in the city of Watertown, ten dollars for each license so granted during the next preceding three months, which shall be in full for all license money required to be paid by said city of Watertown to the county treasury on account of licenses granted for selling spirituous, vinous or intoxicating liquors or drinks; *Provided*, That in case any part of the city of Watertown shall be decided by competent authority to belong to the county of Dodge, in that case the money herein referred to shall be paid to the treasurer of the county in which the parties to whom such licenses so granted shall reside.

Proviso.

Repealing clause.

SEC. 12. All the provisions of the act to which this act is amendatory, conflicting with the provisions of this act, are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 333.

An Act to incorporate the Racine Colonization Society.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. George Wastum, Joseph Lackner, Henry Smieding, Zacharias Beyer, Henry F. Hilgard, Samuel Meyer, Salomon Rosenwald, Louis C. Kline, Frederic Keek, Charles Zahn, Jacob Muth, Edward Zahn, Ernest Hueffner, Charles Bliss, Joseph Kohn, Dethloff Roggenbau, Michael Kirdel and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the "Racine Colonization Society," to have continued succession and existence as such corporation. Said corporation shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and in equity, and also to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey, or otherwise lawfully dispose of the same, as it may be necessary, to carry into effect the purposes and objects of the corporation, as the same are hereinafter set forth.

Style and powers.

Objects of corporation.

SEC. 2. The object of this corporation is to encourage and facilitate immigration to this State, and principally to assist the inexpert immigrant in finding a secure home within the limits of this commonwealth; and said corporation may make such rules, regulations and by-laws as they shall deem necessary to effect the said object, and which shall not be inconsistent with the laws of this State.

Seal, &c.

SEC. 3. Said corporation shall have all the powers and privileges, including the right to have a common seal, which may be renewed or altered at pleasure, and be subject to the restrictions and liabilities incident to corporations, by legislative enactments, so far as they are applicable.

Capital stock

SEC. 4. The capital stock of said corporation shall be twenty-five thousand dollars, with the privilege of increasing the same, as they may deem advisable, to a

sum not exceeding fifty thousand dollars, to be divided into shares of fifty dollars each, which shares shall be transferable on the books of said society, in such manner as the by-laws shall direct. Books of subscription to the capital stock of said society may be opened at such time and place in the city of Racine as the corporators herein named, or a majority of them, shall direct, and notice of the same be given as the notice relating to the election of the board of directors, hereinafter required. As soon as fifty shares of said stock shall be subscribed and five dollars on each of them paid, then the stockholders may proceed as hereinafter set forth. Books of subscription.

SEC. 5. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time as they shall designate, and at such meeting and at all other meetings, duly notified, said corporation may make and alter such by-laws, rules and regulations for the management of the business of the society, as a majority may direct, not repugnant to the laws of this State. First meeting.

SEC. 6. A board of directors, numbering fifteen, shall be chosen at said first meeting, by whom the laws and by-laws of the society shall be carried into effect, and a majority of whom shall constitute a quorum for the transaction of business. The term of office of this first board of directors, shall continue for a year, and on election of a new board shall take place annually, and it shall be the duty of the Directors to notify the stockholders in said society, of such annual meeting for the election, by publishing a notice in some newspaper printed in the county of Racine, for thirty days preceding said election, and at all elections, each stockholder shall be entitled to cast one vote for each share of stock, which he may hold in said corporation, and may vote the same in person or by proxy, duly authorized; *Provided,* That no person shall be elected director who is not a stockholder in said corporation. Board of directors. Proviso.

SEC. 7. In case of a vacancy happening in the board of directors, by the death or resignation of any director, such vacancy shall be filled by the remaining members of the board, by the appointment of a director to fill the same. Books of subscription to the capital stock of said society, may be opened at such times and places, and subscriptions received from all such persons and subject to such payment as may be prescribed by To fill vacancies.

the board of directors. The said directors shall annually, after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board, and such other duties as may be imposed upon him by the laws and by-laws. The directors shall have power to appoint a treasurer, a secretary and such other officers as may be required by the business of said society, and establish the compensation, and define the duties of all their officers.

President.

SEC. 8. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 334.

An Act to amend Chapter 196, of the Laws of Wisconsin for 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to chap. 196, Laws of 1852.

SECTION 1. Section twenty-three, of chapter one hundred and ninety-six, of the Laws of Wisconsin for the year 1852, is hereby so amended, that the word "seven" shall be and hereby is substituted for the word "two," wherever the same occurs in said section; and said act shall have the same effect, and be in as full force as if the words "within two years" in said section, had originally been the words, "within seven years."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 335.

Act to authorize Newell Dustin, his heirs or assigns, to erect and maintain, or keep up and maintain, a Dam across the Lemonweir River, on the east half of the north-east quarter of section sixteen, town fifteen, north of range four east, in Juneau County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for Newell Dustin, his heirs or assigns, and he or they are hereby authorized to erect and maintain, or keep up and maintain, a mill dam across the Lemonweir river, on the east half of the north-east quarter of section number sixteen, town fifteen north, of range four east, at a height not exceeding four feet seven inches above the natural work at the bottom of the floom above the mill, located on the south-east quarter of the north-east quarter of section sixteen, town fifteen, north of range four east aforesaid. **Authorized to maintain a dam and location.**

SEC. 2. Newell Dustin, his heirs or assigns, may and are hereby authorized at any time, and as often as shall be necessary, to apply to the county judge of Juneau county for the appointment of commissioners to assess the damages created by reason of the erecting or maintaining, or the keeping up and maintaining, of the damages liable to accrue upon the erecting and maintaining, or the keeping up and maintaining of said dam. And upon such application, said county judge shall appoint three disinterested persons, of the same county, to act as commissioners, whose duty it shall be to make an examination of all the lands overflowed, or liable to be overflowed, or lands upon which the water will be set back, or liable to be set back by reason of the erecting or maintaining or the keeping up and maintaining said mill dam, and make an award in writing, in which they shall award to the owner or owners, of any such overflowed land, or lands, upon which the water shall be set back, or liable to be overflowed or set back, the amount of damages to which the owner or owners of said land, or lands, shall be entitled by reason of the keeping up and maintaining, erecting and maintaining said mill dam as aforesaid. In making such examination and award, the said com- **May apply for appointment of commissioners to assess damages for overflowing land, and their duty.**

missioners shall take into consideration not only the damage and injury sustained by such owner or owners of such overflowed lands by reason thereof, but also the benefits which such owner or owners may derive from, or on account of the mills or other machinery run or propelled by the water so damed and flowed back as aforesaid; said commissioners shall meet within sixty days from the time of their appointment, (unless such time shall be extended by an order of the said county judge for cause shown,) to make their examination and award by virtue of this act; and after said commissioners are duly sworn for said purpose by any person having legal authority to administer oaths, they shall proceed to make their examination and award by virtue of this act, and the owner or owners of said land shall be notified to appear before them at the time and place of such meeting, and shall be entitled to be heard before such commissioners in regard to the amount of damage by them sustained in consequence of the erecting and maintaining, or the keeping up and maintaining of said mill dam; and any of said commissioners are hereby empowered to administer oaths to such person or persons as may be produced before them, to give evidence in relation to such damages, and said commissioners shall hear any evidence that may be offered in relation thereto during their said meeting, and the owner or owners of said land or lands shall be entitled to be heard before said commissioners in regard to the amount of damages by them sustained, in consequence of the erecting and maintaining of said mill dam, or the keeping up and maintaining of said mill dam; such notice shall at least six days before such meeting, be served personally, or by leaving a copy thereof at the residence of the owner or owners of said land aforesaid; in case the owner or owners of said overflowed land or lands, injured by the erecting and maintaining, or the keeping up and maintaining said dam, shall be non-residents of said county of Juneau, or in case the residence of any or either of them shall be unknown to the said Newell Dustin, his heirs or assigns, then and in that case the said commissioners aforesaid shall cause a notice to be published in one of the public newspapers of said county; in case there is no newspaper published in said county, then said notice shall be published in one of the newspapers

Meeting of commissioners

In case where owners are non-residents.

published in Dane county, Wisconsin, for four successive weeks previous to such meeting, which notice shall specify the time, place, and object of such meeting.

Award of commissioners final unless appealed from, &c.

SEC. 3. The decision and award of said commissioners mentioned in the second section of this act, shall be final, unless appealed from as provided for in this act, and the said award, together with due proof of the service of the notice or notices upon the owner or owners of said lands, shall be filed in the office of the clerk of the circuit court for said county of Juneau, and shall be *prima facia* evidence of the regularity of said proceedings, and the said award shall be and remain a lien upon the lands of the said Newell Dustin, his heirs and assigns, until the term of the circuit court of the said county of Juneau, held next after making such report of damages, when, upon motion made by any party interested therein, a judgment may be entered up and execution issued, to the same effect and in the same manner as judgments are entered and executions issued upon suits of civil nature commenced and tried in the said circuit court.

Judgment.

Appeal.

SEC. 4. Any person or persons considering him, her or themselves aggrieved by the award of said commissioners, may appeal therefrom within ten days from the time of filing such award, to the circuit court held in and for the county of Juneau, in the same manner as is provided for appeals from the decision of commissioners appointed to adjust the demands and claims against the estate of deceased persons. When the said appeal shall be so perfected, the said court shall have full power to hear and determine the same, and the same proceedings shall be had to determine the damages so sustained and for the perfecting of judgment thereon as in actions for damages originally commenced in said circuit court; *Provided, however*, That the party or parties so appealing from the award of the said commissioners assessing his, her or their damages, shall pay all costs and expenses of said appeal, in case the damages as determined in the said circuit court shall not be for a larger sum than that awarded by the said commissioners.

Proviso.

Suits—how brought and prosecuted.

SEC. 5. No suit or proceeding at law or in equity shall be hereafter brought, prosecuted, or further maintained, except as is provided for in this act, against the

said Newell Dustin, his heirs or assigns, for any injury or damages arising from the overflowing or setting back of water upon any lands, by reason of the erecting or maintaining of said mill dam, after the said Newell Dustin, his heirs or assigns, shall have applied to have commissioners appointed to assess damages according to the provisions of this act.

Injury on account of damages.

SEC. 6. Any person or persons claiming to have been injured by the erecting and maintaining or keeping up and maintaining said mill dam, and whose damages shall not have been appraised in the manner provided for, may apply to the said county judge for the appointment of commissioners to assess his, her or their damages, in the same manner and with like effect as the said Newell Dustin, his heirs or assigns, are herein authorized to do; *Provided*, The said Newell Dustin, his heirs or assigns, shall have neglected or refused to have the damages of said person or persons appraised in the manner herein provided, for the space of six months next after the passage of this act; *And provided further*, That such application shall be made within one year after the passage of this act, and that the said Newell Dustin, his heirs or assigns, be personally served with written notice of the said application for the appointment of said commissioners as in this section mentioned, which notice shall state the time, place, and object of such meeting by said commissioners. The expenses of such assessment and proceedings shall be paid by the person or persons making such application, in case no damages are awarded them.

Proviso.

Proviso.

When award has been tendered or paid —right.

SEC. 7. Whenever the said Newell Dustin, his heirs and assigns or assignees, shall have paid, satisfied or tendered the amount of the award or awards, of said commissioners, or the amout of any judgment or judgments which may have been tendered thereon, in the circuit court, in case of appeal or otherwise, as providin this act, to the person or persons entitled to the same, or whenever the amount tendered, to any person or persons, as and for his, her or their damages, shall be accepted without assessment, the right to overflow or set water back, by means of said mill-dam, upon said land or lands upon which the damages shall be so assessed and paid, or tendered, shall become and be permitted, in the said Newell Dustin, his heirs and assigns, without any further liability, interference or

molestation whatever; *Provided however*, That if the said Newell Dustin, his heirs or assigns shall not pay or tender the amount of such award or awards, of damage or judgment or judgments therefor, as the case may be, to the person or persons, party or parties, entitled thereto, on or before the first day of the next regular jury term, of the said circuit court next succeeding the term of the said court, in which the same shall be finally entered up, then all right or powers, granted or conferred by this act, to keep up, flow and set the water back upon the land or lands of the person or persons, in whose favor the said award or awards, judgment or judgments, shall have been obtained and not tendered or paid, as provided in this act, shall cease and determine, and the said circuit court may order and direct such dam to be removed to an extent, so that it shall not flow or set water back upon the land or lands of the person or persons, party or parties, whose damages shall have been assessed as is provided in this act, and not paid as otherwise provided. Proviso.

SEC. 8. All actions, suits or proceedings, either at law or in equity, for any claim or injury to the lands belonging to the State of Wisconsin, or to the lands of any person or persons, by reason of the erecting and maintaining, or the keeping up and maintaining of such dam, shall be brought within one year next after the passage of this act, and not afterwards. When suits to be brought.

SEC. 9. This act shall be deemed a public act, and shall take effect immediately after its passage, and publication of the state printer

Approved March 7, 1857.

Chapter 336.

An Act to repeal an act entitled "An Act to incorporate the Arena Bridge Company."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled an act to incorporate the Arena Bridge Company, approved April 17, 1850, is hereby repealed. Repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 337.

An Act to incorporate the Chippewa Falls Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. William McNair, Hiram S. Allen, Augustus C. Fair, Elias A. Galloway, W. T. Price, Samuel Mills, William Wiley, Frederick H. Bussby and Rodman Parmer, and such other persons as may be hereafter associated with them, be and are hereby created a body corporate and politic, with perpetual succession, under Name and title the name and title of the Chippewa Falls Academy, by which name and title they and their successors shall ever be known.

Power. SEC. 2. Said corporation shall have power to contract and be contracted with, to sue and be sued, to defend and be defended, in all courts of law and equity; it shall have a common seal, and may alter or renew the same at pleasure; it shall have power to acquire, purchase, receive by gift, possess, hold and enjoy property, real and personal, and to mortgage, sell, convey, rent, or otherwise lawfully dispose of the same at pleasure; Proviso. *Provided*, The real estate to be held by this corporation at any one time shall not exceed in value fifty thousand dollars.

Stock. SEC. 3. The stock of said corporation shall be divided into shares of five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be provided by its by-laws.

Management. SEC. 4. The business of said corporation shall be managed by a board of seven trustees, who shall be elected semi-annually by the stockholders from their number, and who shall hold their office until their successors are duly elected. A majority of said trustees

shall constitute a quorum for business at any meeting of said board.

SEC. 5. The said board of trustees shall have power: Power.

1st. To call special meetings of the stockholders to fill vacancies in the board of trustees, and vacancies in any office in said board. Special meetings.

2d. To sell, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also, to erect and keep in repair all necessary buildings for the use of said corporation. Real estate.

3rd. To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in the academy of said corporation. Teachers.

4th. To prescribe the duties and fix the salaries of all the teachers of said institution, and to remove or suspend them from their office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their place. Duties and salaries, &c.

5th. To make, subject to the approval of the stockholders, all such rules, by-laws and regulations as may be deemed necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State. Rules, by laws and regulations.

SEC. 6. Any three of the persons mentioned in the first section of this act shall have power to call a meeting of the stockholders of said corporation, for the purpose of electing the first board of trustees and other officers, by posting up at least three written notices in as many public places in the village of Chippewa Falls, where the academy of said corporation is hereby located, at least ten days before such meeting, or by the publication of a notice in some newspaper printed in said village, at least ten days before such meeting, or both, in their discretion, which said notice shall specify the place and time of day for such meeting, as well as the object of the same. Power to call a meeting.

SEC. 7. At any meeting of the stockholders of said corporation for the election of trustees, there shall be elected by the stockholders there present, from the board of trustees then and there elected, one president of the board, one secretary, and one treasurer; who shall hold their respective offices during the term for which they were elected trustees. President and other officers.

Treasurer to give bond.

SEC. 8. It shall be the duty of the treasurer, before entering upon the duties of his office as such treasurer, to execute and deliver unto the board of trustees and their successors in office a bond, to be approved by them, in such penal sum and of such conditions as they shall by their by-laws prescribe.

Each share of stock entitled to vote.

SEC. 9. At all elections and meetings of said corporation, each stockholder shall be entitled to one vote for each share of stock owned by him; *Provided*, At meetings of the board of trustees each trustee shall be entitled to but one vote.

Funds—how drawn.

SEC. 10. It shall not be lawful for the treasurer to pay out any of the funds of said corporation, except upon orders regularly drawn, signed by the president and countersigned by the secretary.

SEC. 11. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 338.

An Act to authorize certain towns in the counties of Rock and Dane to aid in the construction of the Beloit and Madison Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to issue bonds.

SECTION 1. The respective boards of supervisors of the towns of Magnolia and Union, in the county of Rock, and Rutland, Oregon and Fitchburg, in the county of Dane, are hereby authorized, on the conditions and for the purposes hereinafter mentioned, to issue the bonds of their respective towns for any sum of money not exceeding fifty thousand dollars in each of said towns.

Bonds—by whom signed, &c.

SEC. 2. Such bonds shall be signed by the chairman of the board of supervisors, and countersigned by the town clerk, shall be of the denomination of five hundred or of one thousand dollars each, shall be payable at such place as the board of supervisors issuing the same may determine, shall be payable at a time specified therein, not exceeding twenty years from the date

thereof, with interest payable annually or semi-annually, at not exceeding ten per cent. per annum, or as shall be agreed upon by the supervisors.

Bonds to be delivered at their par value.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors for the benefit of the town, in the capital stock of the said Beloit and Madison Railroad Company.

Legal voters to vote upon question of issuing bonds.

SEC. 4. No such bonds shall be issued, until a majority of the legal voters of such town or towns, voting upon the question, shall have voted in favor of such issue. The election for that purpose may be called by the supervisors, or be ordered to be held on the day of the annual town meeting; but in either case, notice of the election shall be posted up in five public places in such town, for twenty days previous to any such election; such [notice] shall specify the amount of bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear. At such election those voting in favor of the proposition shall deposit a ballot containing the words—"For the railroad;" and those voting against it, shall deposit a ballot containing the words—"Against the railroad." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting; *Provided*, That no such election shall be called or ordered by the supervisors of any such town except the same shall be requested in writing, by not less than twenty legal voters of such town, and when such request shall be presented to the supervisors of any town herein mentioned, such supervisors shall call an election as herein provided.

Ballots—what to contain.

Proviso.

Railroad company to give security for bonds.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the railroad company shall give security to the satisfaction of the supervisors, that the money arising from the sale of said bonds shall be faithfully applied to the construction of said railroad, and that the said railroad shall be completed to such point, and within such time as such supervisors may require.

Stock pledged for the payment of principal and interest.

SEC. 6. The shares of stock in said railroad company thus taken by any town, and all dividends arising therefrom, shall be, and remain irrevocably pledged for the payment of the principal and interest of the bonds

delivered therefor, but the supervisors may sell the same if authorized so to do, by vote of an annual town meeting of their town, and thereafter the proceeds of such sale and the interest thereof, shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds after deducting the dividends due to such town on its shares of stock.

Levy annual tax.

Stock not affected by mortgage, &c.

SEC. 7. The shares of stock so subscribed for and held by every such town, shall not be in any manner affected by any mortgage, lien or incumbrance given or obtained upon such railroad, and in case any such railroad shall be sold, or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town, shall still remain valid and unaffected, and the town shall still be entitled to draw the same dividends upon such shares, in whosesoever hands or control such railroad may be, as if no such sale or disposition had been made.

Appoint railroad commissioner—duty.

SEC. 8. The board of supervisors of each town holding any shares of stock, shall annually, or as often as vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers and on all questions.

SEC. 9. This act shall be in force from and after its passage.

Approved March 7, 1857.

Chapter 339.

An Act to establish a Code of Procedure for the Police Court of the City of Janesville.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Code of procedure allowing city to sue

SECTION 1. The city of Janesville may sue for and recover any and all penalties or forfeitures under the

charter of said city or the several acts thereby and therein consolidated and amended, or the ordinances, by-laws, police or health regulations made in pursuance thereof, in the corporate name of said city of Janesville, any general law of the State to the contrary notwithstanding; and such action shall be commenced by complaint to the police justice, substantially in the following form: for penalties, &c.

STATE OF WISCONSIN, }
Rock County, City of Janesville, } ss.

———————— being duly sworn, complains on oath to the police justice of the city of Janesville, that ———— did on the —— day of —— 18— violate the ——— section of an ordinance, by-law or resolution, (describing it by its title,) which said ———— is now in force, as this deponent verily believes, and prays that said ———— may be arrested and held to answer to the city of Janesville therefor. Form of complaint.

Subscribed and sworn before me, this ——— day of ——— 18—.

It shall be sufficient to give the number of the section or sections, and the title of the ordinance, by-law, regulation or resolution, or of the law violated in such complaint. And said complaint may be sworn to before any officer authorized to administer oaths in the courts of this State. Upon the filing of such complaint in the office of the police justice, he shall issue a warrant thereon, substantially as follows: To file blanks

STATE OF WISCONSIN, }
Rock County, City of Janesville, } ss.

To the Sheriff or any Constable of said County, or to the Marshal of said City of Janesville,

GREETING.

Whereas,———————— has this day complained to me in writing, on oath, that ———— did on the ——— day of —— 18—, violate the ———— section or sections of an ordinance, by-law, regulation or law, (describing it by its title,) which said ——— is now in force and effect as said complainant verily believes. Therefore in the name of the State of Wisconsin, you Form of warrant,

are hereby commanded to arrest the body of the said ———— and him forthwith bring before the police justice of the city of Janesville, to answer to said city of Janesville, on the complaint aforesaid.

Given under my hand, this —— day of —— 18—.

———— ———— *Police Justice.*

Proceedings on return of same.

Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause, as in other cases provided by law. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Rock county. The complaint made aforesaid, shall stand in lieu of a declaration, and the plea of not guilty, shall put in issue all subject matter which pertained to the defence of the action.

Printed copies of ordinances, &c., evidence.

SEC. 2. A printed copy of an ordinance, by-law, or resolution passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and that the same is in force, and may be received in evidence. After issue joined, and before trial, in all city and criminal cases cognizable before the police justice, the defendant may demand a jury, and upon such demand, a jury shall be summoned in the same manner, and subject to the same provisions of law as in other cases in trials before justices of the peace; and if no demand of a jury be made, it shall be deemed a waiver of a jury trial.

Witnesses and jurors.

SEC. 3. Witnesses and jurors shall attend before the police court in all city and criminal prosecutions, without the payment of fees in advance, or tender thereof, and upon process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged without payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new *venire* as aforesaid.

Finding of court or jury, &c.

SEC. 4. In city prosecutions, the finding of the court or jury shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for

the fine, penalty, or forfeiture; and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount at such sum contained within the ordinance, by law or resolution, for the violation of which, the person or persons shall have been adjudged guilty, and for the costs of suit. But if not guilty, the costs shall be taxed against the city. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed according to the laws of this State. If the defendant in any such action have no goods or chattels whereof the judgment can be collected, the execution shall require him to be imprisoned in the county jail for a term not exceeding three months, unless the same be sooner paid; and also insert such time in the commitment or execution. Such execution may be in the following form: Costs.

STATE OF WISCONSIN, } ss.
Rock County, City of Janesville. }

To the Sheriff, or any Constable of the County of Rock, the City Marshal, and to the Keeper of the Common Jail in said County:

Whereas the city of Janesville, on the ——— day of ———, 18 , recovered a judgment before the police court of said city against ———, for the sum of ——— dollars, together with ——— dollars, costs of suit, for the violation of [here insert the number of section, title of the ordinance, as set forth in the complaint.] Form of execution.

These are, therefore, in the name of the State of Wisconsin, to command you to levy distress on the goods and chattels of the said ———, [excepting such as the law exempts,] and make sale thereof according to the law in such case made and provided, to the amount of the said sum, together with your fees, and seventy-five cents for the execution; and the same return to me within thirty days, to be rendered to the said ———, for said judgment and costs, and for want of such goods and chattels whereon to levy, take the body of the said ———, and him convey and deliver to the keeper of the common prison of said county, who is hereby commanded to receive and keep the said ——— in safe custody in said prison for the term

of ———, or until the aforesaid sum, and all legal expenses be paid and satisfied, or until he be discharged thence by due course of law.

Given under my hand, this —— day of —— 18—.

—— —— *Police Justice.*

Form of committal,

The form of commitment may be substantially the same as that of the execution leaving out all that relates to levy and sale, and return of the writ.

Appeal.

SEC. 5. The defendant in all city prosecutions, may appeal to the circuit court of Rock county, by filing an affidavit and bond, and complying with the requirements of appeals, in civil cases, before justices of the peace; *Provided however*, That such appeal shall be taken and perfected within twenty-four hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the police justice shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged, and the police justice shall transmit the papers in the case so appealed with a transcript of his docket to the clerk of the circuit court on or before the first day of the term thereof, next after the appeal shall have been allowed.

Proviso.

Auditing fees of officers, &c.

SEC. 6. The jail fees and officers' fees for commitment on prosecution in behalf of the city shall be audited and allowed by the common council when the same cannot be collected of the defendant, before his discharge; and said common council may by resolution direct the police justice to discharge from the jail any person confined for a judgment due said city; but such discharge shall not operate as a release of the judgment unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the clerk of the common council, the police justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by endorsement from time to time, before or after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released, but after the defendant shall have been committed, no execution shall be issued against the body of the defendant, nor if previously issued, shall authorize the taking of the body of the defendant thereon.

Discharging from custody, &c

SEC. 7. This act shall take effect from and after its passage; and all acts and parts of acts contravening any of the provisions of this act, are hereby repealed.

Approved March 7, 1857.

Chapter 340.

An Act to incorporate the Berlin, Wolf River and Waukecheon Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Field, L. Bostedo, Uriah Dorman, Peter Miklejohn, Thomas S. Henry, J. D. Post, William Gumar, R. P. Colt, E. W. Daniels, Ezra Wheeler, Henry Howe, Luther Forsythe, J. H. Turner, B. F. Philips, Wellington H. Millard, George D. Ruggles, Isaac S. Tallmadge, Wm. F. Gaudal, Washington L. Millard and Thos. S. Henry, their associates and successors, and assigns, are hereby created a body corporate, by the name and style of the "Berlin, Wolf River and Waukecheon Railroad Company," and by that name shall be and are hereby made capable in law, to purchase, hold and enjoy to themselves and their successors, lands, tenements and hereditaments, so far as may be necessary for the purpose of erecting and constructing a railroad between the points hereinafter named, and shall have full power to sell, grant, rent, or in any manner, dispose of the same; and the said company shall have full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and also to make, have and use a common seal, the same to alter, break or renew at their pleasure. Corporators. Style. Capable of.

SEC. 2. The above named persons, or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscriptions, which books shall be open within eighteen months from the passage of said act, at such place or places as they may deem expedient. Opening books.

Meeting of stockholders.

SEC. 3. As soon as the sum of fifty thousand dollars is subscribed to the capital stock of said company, the the above named persons shall give notice to the stockholders, in writing, of a meeting of the stockholders to choose directors for the said company, and the said stockholders shall, at such meeting, choose nine directors, each share of capital stock entitling the owner to one vote, and may be cast by the owner or by proxy; and the above named persons, or any two of them, shall be inspectors of said election, and shall certify in writing, who are chosen directors.

Rules and by-laws.

SEC. 4. The board of directors shall have full power to make such rules and by-laws for the choosing of their officers as they may think for their advantage, as well as for conducting the business of said company.

Route of road.

SEC. 5. Said company shall have full power to construct a railroad from the town of Berlin, Marquette county, by the way of Poysippi village, Waushara county, and Weyauwega, Waupaca county, northerly, on the west side of the Wolf river, to Waukecheon; and the capital stock of said company shall be three millions of dollars, and shall be divided into shares of one hundred dollars each.

Management.

SEC. 6. The affairs of said corporation shall be managed by a board of not less than nine, and not more than thirteen directors, to be determined by the said company, who shall be chosen annually by ballot by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected. They shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the well ordering of the affairs of said company.

Who shall be elected directors.

SEC. 7. None but stockholders shall be elected directors; and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of election of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

Meeting of directors.

SEC. 8. The said directors shall meet at such times and places, and when convened in such manner as they may hereafter decide upon, a majority of said di-

rectors shall be a quorum for the transaction of business, who in the absence of the president, shall appoint a president *pro tem.* The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportion in which the said stockholders shall pay the money due on their respective shares, and forfeit for the use of the company the share or shares of every person or persons failing to pay any installment so required at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements with any person, copartnership or body politic whatsoever as the construction and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company; *Provided*, That no installment called in at any one time shall exceed twelve dollars per share, and that no installment shall be called for by the directors without at least thirty days notice thereof, to be given as the by-laws of said company may provide.

Appointing officers.

Payments on shares and forfeit.

Proviso.

Sec. 9. The directors chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject however, to all payments due or to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Issue of certificates of stock

Sec. 10. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth of the capital stock, on like notices as that required for annual meetings, specifying, moreover,

Annual statement by directors, &c.

the object of such meeting, but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Construction, transportation warehouses, &c.

SEC. 11. The said company shall have power to locate and construct a railroad, with single or double track, and shall have power to transport, take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them, and they also shall have power to make connecting tracks, and also such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad and branch railroads in the State of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of the said company shall intersect, and shall have full power to place the road of this company and its capital stock so consolidated under the direction of a joint board of directors of the companies consolidating their capital stock shall agree upon, and the board so constituted shall have power to adopt such name as they may see fit, and may alter the same at will, and shall, upon such adoption or alteration, give proper notice of the same, in a newspaper published in Madison.

May consolidate, &c.

When privileges cease,

SEC. 12. If said corporation shall not, within five years from the passage of this act, commence the construction of said railroad, then the rights, privileges and powers of said corporations under this act shall be void.

May enter on any land for purposes of locating route, &c., and take possession of same.

SEC. 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands not exceeding one hundred feet in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascer-

tained in the manner hereinafter directed and provided in such cases respectively; said company are further authorized by their officers, engineers, agents and servants, to enter upon lands adjacent to the railroad, beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary, for the purpose of erecting depot buildings, station houses, and necessary fixures for the operation and for the business of said road, and for the purpose of making drains, and giving a proper direction to water courses across or along said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel and stone taken from cuts, and to obtain earth, gravel, stone and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions hereinafter provided; and when such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations or embankments, shall vest in fee simple in said company.

To compensate for land.

Sec. 14. When the said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity or absence of such owner or owners, no such purchase can be made, then, and in that case it shall be lawful for any judge of the supreme court of this State, on application of said company, and at the cost and charge of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, whose duty it shall be to view and examine the lands so taken, with buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain, or may have sustained by reason of the taking of the same for the construction and use of said road or works appertaining thereto; and it shall be the duty of the said company, to give three weeks' notice of their

When owners and company cannot agree as to compensation commissioners to be appointed to determine same.

Application for appointment of commissioners.

application to the judge of the supreme court, for the appointment of the said commissioners, to be published for three successive weeks in a newspaper published at the capitol of the State, and also in a newspaper, if there shall be any published, in each of the counties through which the said road may be located, and the affidavit of the publisher or printer, shall be legal evidence of such publication; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, deducting from such damages the benefit and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and also the amount of damage, if any, deducting from such damage the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report in writing, of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of said clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court; *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerks office, and such appeal shall be tried in said court, and the jury empanneled to try the same, shall find the value of the land so taken or required by said company, and the damages which the owner or owners shall have sustained or may sustain by the taking of the same, and judgment of the court shall be entered accordingly; *Provided also*, That

Commissioners duty.

Proviso.

Proviso.

it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin; and if the said owner or owners, shall be minors or *non compos mentis* or absent from the State, or the county through which the road of the said company is located, the service or notice may be made on the guardian or trustee, (if there be any,) or in such manner as the court may direct; *Provided, also,* That upon the making and filing of any report, as aforesaid, and payment as legal tender of any valuation or apprisal specified therein, to the owner or owners of any such lands, his, her or their legal representatives, the said company, their agents or the contractor, for making or reparing said railroad, may immediately take and use the same without waiting the issue of any appeal brought thereon, and the said company shall before opening said road through enclosed ground, erect such fencing as shall preserve such enclosure entire, and shall before commencing to use said road as a railroad, erect a good and sufficient fence on both sides of said road through all enclosed grounds, and shall maintain the same so long as they use said road as a railroad. Proviso.

SEC. 15. Whenever any judgment shall have been entered as hereinbefore provided for the value of any lands, or for any damage, for the taking and using the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, the said company shall be entitled to the easement of the same, so long as it shall be used as a track of said railroad, and if such valuation be not received when tendered, it may at any future time thereafter be received or may be collected from said company, by action at law, at the cost and expense of the persons entitled to the same; *Provided,* That the cost of any proceedings and judgments specified in the last preceding section, shall be taxed by the court and paid by said Judgments, &c. Proviso.

company, excepting in cases where upon appeal the verdict of the jury is for the same or less sum than that reported by the said commissioners.

Railroad shall not obstruct public highways, &c.

SEC. 16. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same; and in all places where such railroad may cross, or in any wise interfere with any public road, it shall be the duty of said company to make, or cause to be made, a sufficient causeway or passage, to enable all persons traveling such public road to pass over or under such railroad with convenience; *Provided*, That in cases where said railroad may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before, and for that purpose, the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road, or part of a road, so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by the said company.

Proviso.

To make passage way over or under road in certain cases.

SEC. 17. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same, with waggons, carts, and implements of husbandry as occasion may require; *Provided*, That the said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing said farm shall not be entitled to require said company to make any additional causeway.

Proviso.

Public act, &c.

SEC. 18. This act shall be favorably construed to effect the purposes hereby intended; and the same is hereby declared to be a public act, and copies thereof, printed by authority of the State of Wisconsin, shall be received as evidence thereof.

Damage to road—punishment.

SEC. 19. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the State prison for a term of not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damages to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of the breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to law in such cases made and provided.

May borrow money and execute necessary notes, bonds, &c.

SEC. 20. The said railroad company are hereby authorized and fully empowered, in their corporate name and capacity, to borrow any sum or sums of money from any person, corporation, or body politic of any kind, for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute, in their corporate name, all necessary writings, notes, drafts, bonds, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this State, or any other State where such transaction may be made, to the contrary notwithstanding; and the power of said corporation for the purpose aforesaid, and for all purposes necessary to carrying out the objects of said company hereinafter expressed, and the contracts and official acts of said company are hereby declared binding in law and equity upon said corporation and all other parties in said contracts.

May purchase lands adjoining road, &c.

SEC. 21. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings and fixtures connected therewith, and

whenever such lands shall no longer be needed for the purposes aforesaid, the company are hereby authorized to sell and convey the same.

In cases where there is incumbrance on land to deposit amount of damages with clerk of court, &c.

SEC. 22. In case there shall be incumbrance upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed as herein provided, with the clerk of the circuit court where the land lies, to be paid over by said clerk to the owner of said land, or his lawful authorized agent, upon the removal of said incumbrance.

When privileges cease.

SEC. 23. The privileges and franchises herein granted shall cease and determine, should the said company not have ten miles of road completed and in good running order in five years from and after the date of the approval of this act.

Approved March 7, 1857.

Chapter 341.

An Act to amend Chapter 81 of Session Laws of 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment relative to fiscal year of University.

SECTION 1. Section six of chapter eighty-one, session laws of 1854, is hereby repealed, and in lieu thereof, said section shall be as follows: "*Section* 6. The fiscal year of the university shall terminate on the last day of September in each year; and hereafter it shall be the duty of the board of regents in their annual report to the governor, to make a detailed estimate of the current expenses of the university for the next succeeding fiscal year, showing the amount necessary to pay the interest on its debts, specifying the same, the amount of salaries of officers, professors and tutors, specifying the same, and the amount necessary for all other expenses and disbursements in detail, which the governor shall commuicate to the legislature."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 342.

An Act to authorize certain towns in the counties of Dodge, Marquette and Waushara, to aid in the construction of the Fox Lake and Wisconsin River Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns autnorized to aid in construction of railroads.

SECTION 1. The respective boards of supervisors in the towns of Trenton and Fox Lake in Dodge County, the towns of Mackford, Green Lake, Manchester, Kingston, Dayton, Princeton, Saint Marie and Neshkora, in the county of Marquette, and the towns of Marion, Dakota, Wautoma and Oasis in the county of Waushara, are hereby authorized on the conditions and for the purposes hereinafter mentioned, to issue the bonds of their respective towns for any sum of money not exceeding the amount of forty thousand dollars in the town of Fox Lake, and twenty-five thousand dollars in each of the other towns above specified.

Denomination of bonds, &c.

SEC. 2. Such bonds shall be signed by the chairman of supervisors, and countersigned by the town clerk, shall be of the denomination of five hundred dollars or of one thousand dollars each, shall be payable at such place as the board of supervisors issuing them may deem advisable, and shall be paid at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually at not exceeding eight per cent. per annum.

Bonds may be delivered in payment for stock.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face for shares of stock to be subscribed by the supervisors for the benefit of the towns in the capital stock of the said railroad company.

Vote on issue of bonds.

SEC. 4. No such bonds shall be issued until a majority of the legal voters of the town, voting upon the question, shall have voted in favor of such issue. The election for that purpose may be called by the supervisors of the town in the manner prescribed in the statutes, or ordered to he held on the day of the annual town meeting; and an election either special

or otherwise, shall be ordered by the supervisors of any of said towns, on petition of twenty-five holders thereof, but in case of any such election, notice thereof shall be posted up in five public places in the town, and be published in a newspaper published in the county in which said town may be situated, for three weeks preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, and how payable; at such election those voting in favor of the proposition shall deposit a ballot containing the words "For the railroad," and those voting against it, shall deposit a ballot containing the words, "Against the railroad." The election shall be conducted and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Company to give security for faithful application of funds, &c.

SEC. 5. Before the supervisors shall issue and deliver any such bonds, the said railroad company, shall give security to the satisfaction of the supervisors that the money arising from the sale of the bonds, shall be faithfully applied to the construction of said railroad, in the county where such town may be situate, most advantageous to their town, and that said railroad shall be completed at such point, and within such time as they may deem it safe and expedient to require.

Stock of towns irrevocably pledged.

SEC. 6. The shares of stock in said railroad company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor; but the supervisors may sell the same if authorized so to do, by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale and the interest thereof, shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town suffieient to pay the interest upon such bonds, after deducting the dividends due to their towns on its share of stock.

Stock of towns not affected by any lien, &c.

SEC. 7. The shares of stock so subscribed for and held by any such towns, shall not be in any manner affected by any mortgage, lien or incumbrance given, or obtained upon said railroad, and in case said railroad shall be sold or in any manner disposed of, to

tisfy any such mortgage or lien, such shares of stock ld by such town, shall still remain valid and unafcted, and the town shall be entitled to draw the same vidends upon such shares, in whosoever hands or ntrol said railroad may be, as if no such sale or disition had been made.

Railroad commissioner.

SEC. 8. The board of supervisors of each town, lding any shares of stock shall, annually, or as soon er as a vacancy occurs, appoint one railroad comssioner, who shall attend the annual and special etings of the stockholders of said railroad company, d shall be entitled to cast a vote for every share of ck so held by the town in the election of officers, d all questions relating to the business of said comıy.

Publication of act.

SEC. 9. This act shall be published in the Fox Lake rnal, the Berlin Courant and Waushara Journal, and ll be in force from and after its passage.

Approved March 7, 1857.

Chapter 343.

AN Act to change the name of a Street in the City of Beloit.

e people of the State of Wisconsin, represented in enate and Assembly, do enact as follows:

Name of street changed.

ECTION 1. The name of the street now known as urtle street," in said city, is hereby changed to ate street," and shall be known by that name here-r.

EC. 2. This act shall take effect and be in force from after its passage.

pproved March 7, 1857.

Chapter 344.

An Act to restore the Right of Appeal from the awards of Juries in laying out and widening public squares, streets, alleys and other grounds in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealing clause.

SECTION 1. Sections five and six of an act approved March 18, 1856, entitled "An Act to amend the act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof," approved February 20, 1852, are hereby repealed, and section twenty-one of chapter six referred to in said section six, is hereby restored and declared to be in full force and effect; *Provided*, That in case of any appeal under the provisions of the section hereby restored, the award of damages and benefits made by the jurors appointed to make the same, together with all the proceedings of the common council in relation thereto, shall be certified and sent up to the court to which such appeal shall have been taken; and in the trial of such appeal, the jury empanneled to try the same, shall determine as well the necessity of taking the lands for the purposes required, as the amount of damages and benefits to be paid; and the court shall permit any persons interested in such damages or benefits, to become parties to such appeal upon their petition, setting forth the nature and extent of such interest.

Proviso.

In cases of appeals.

SEC. 2. In all cases where appeals were taken under said section twenty-one, before said act approved March 18, 1856, was in force, the appeals may be prosecuted, if not otherwise determined by trial, or the voluntary act of the appellant, as if said act had not passed, and in all cases arising since the said act became in force, in which the right of appeal would have existed under said section twenty-one, had not said act been passed, the parties who by virue of said section had the right of appeal may, (if such right has not otherwise been forfeited,) appeal to the circuit court within forty days after this act shall take effect, accor-

ding to the provisions of the charter of said city, and all proceedings of the common council upon such award shall be suspended until the final determination of such appeal.

Appeals.

SEC. 3. In all cases of appeals taken as provided for in this act, where the jury shall award damages to the owner of any lot or part of a lot, and judgment shall have been rendered on such verdict, the said city of Milwaukee shall pay the amount of such judgment within six months after the same shall have been rendered.

SEC. 4. This act shall take effect from and after its passage, and shall be forthwith published.

Approved March 7, 1857.

Chapter 345.

An Act to incorporate the village of Black Earth.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of village of Black Earth.

SECTION 1. That all that district of country described as follows, to wit: The west half of the east half of section numbered twenty-six, in township number eight north, of range number six east, in the county of Dane, the east half of the north-west quarter, the south-east quarter of the south-west quarter, and so much of the north-east quarter of the south-west quarter of said section as is laid out and recorded as village lots, shall be hereafter known and distinguished by the name of the village of Black Earth, and the inhabitants residing or who may hereafter reside within said limits, are hereby constituted a body corporate by the name of the President and Trustees of the village of Black Earth, and by that name they and their successors forever thereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all suits whatsoever.

Style.

Corporate powers.

Meeting to elect officers.

SEC. 2. It shall be lawful for the inhabitants of said village qualified to vote at any general election, to meet at the school house in said village, on the second Tuesday of April next, at two o'clock, P. M., and choose, *viva voce*, two judges of election and one clerk, who together shall form an election board, and elect by ballot a president, who shall be *ex-officio* a trustee, four trustees, an assessor, a clerk, and a treasurer.

Annual elections thereafter.

SEC. 3. On the second Tuesday of April in each year thereafter there shall be an annual election of the officers of said village above specified, and the trustees, by their clerk, shall give at least one week's notice of the time and place of holding the same, and they, or any two of them, shall preside at the same.

Eligibility.

SEC. 4. No person shall be eligible to any of said offices unless he shall be a legal voter in said village.

When to open polls.

SEC. 5. At all elections held under this act, for the purpose of electing any corporation officer, or officers, the polls shall be opened at two o'clock, P. M., and close at six o'clock. A plurality of votes polled, shall in all cases decide the election.

Term of office.

SEC. 6. All of said officers shall hold their offices until the next annual election, and until others are elected and qualified in their stead.

To fill vacancies.

SEC. 7. Vacancies in the offices of president, or of any of the trustees, shall be filled at a special election, to be called by the clerk, and vacancies in all other offices by the trustees.

Oath of office.

SEC. 8. Every officer elected or appointed under the provisions of this act, shall within ten days thereafter, and before entering upon the duties of his office, take and subscribe an oath faithfully to discharge the duties of his office, and so support the constitution of the United States, and the constitution and laws of this State, and file the same in the office of the clerk of said village.

Bond.

SEC. 9. Before entering upon the duties of his office, the treasurer shall give bonds to the president and trustees in such sum, with such conditions and with such sureties as said trustees shall direct.

President to preside at meetings.

SEC. 10. It shall be the duty of the president to preside at all meetings of the trustees, at which meetings he shall have the right to vote, and to see that all by-laws and ordinances are duly observed, and to prose-

cute all suits which may be necessary in the name of the corporation.

Clerk—his duty.

SEC. 11. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings; and to keep on file all papers which may be ordered by the trustees. The records kept by he clerk shall be evidence in all legal proceedings, and nd copies of all papers duly filed in his office, and ranscripts from the records of the proceedings of the oard of trustees, certified by him under the corporate eal, shall be evidence in all courts of the contents of ie same.

Treasurer—his duty.

SEC. 12. The treasurer of said village shall receive l moneys which may be collected for the use of the rporation by virtue of this act, or by virtue of any r-law or ordinance of the board of trustees, or which ay arise from any other source, and belong to the rporation; and he shall give his receipt therefor to e person paying the same. No money shall be awn from the treasury except upon an order of the istees, signed by the president, and attested by the rk, in which order shall be set forth for what pur- se the same is to be paid. The treasurer shall keep full and particular account of all moneys received l disbursed by him, with the time when, and the son paying or receiving the same, which account ll, at all reasonable times, be open to the inspection he voters of said village. At the expiration of his n of office, he shall make a full report of the re- ts and disbursements of the office, to the regular ting for charter elections.

General powers of trustees.

EC. 13. The trustees shall have the following pow- to wit:

May have a seal and hold real estate.

st. To have a common seal, and to alter the same leasure;

1. To purchase, hold and convey any estate, real personal, for the use of the corporation;

Opening streets, &c.

l. To make, open, keep in repair, grade, improve, te and discontinue any streets, avenues, lanes, al- sewers, bridges, cross or sidewalks, in the manner nafter prescribed, and to keep the same free from nbrances, and to protect them from injury;

Fire companies, &c.

4th. To organize fire companies and hook and ladder companies, whenever a majority of the voters of said village, at any legal meeting, shall be in favor of such measures, to regulate their government and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress and forced sale, and if the owner, after reasonable notice, neglects or refuses to procure such fire buckets, the trustees may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against the said owner, and be entitled to recover the value of such fire buckets so furnished, with costs of suit; to regulate the storage of gunpowder and other dangerous materials; to compel the inhabitants of said village to aid in the extinguishment of fires; to pull, break down, and raze such buildings in the vicinity of fire as shall be directed by any three of their number, for the purpose of preventing its communication to other buildings; to construct and preserve reservoirs, pumps and wells, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as they shall deem proper;

Nuisances.

5th. To clear out and remove vegetable matter and nuisances from the races, outlets and other waters in said village, and prevent their accumulation in said waters, and generally to take such other measures for the public health and convenience as they shall deem proper;

Burialgrounds

6th. To purchase, hold, inclose, lay out, ornament and regulate a burial ground in or near said village, and to sell lots therein, and regulate the burial of the dead;

Public scales.

7th. To establish and regulate a public scale, and appoint or cause to be elected a weigher to attend the same;

Special meetings.

8th. To call all regular and special meetings of the voters of said village, not otherwise provided for in this act;

Compensation of officers.

9th. To prescribe the compensation of all officers of the corporation except their own;

Improving streets, &c.

10th. Upon the application, in writing, of two-thirds of the owners or residents of the lots upon any street,

to levy and collect a special tax on said lots in just proportion, for the purpose of grading, making walks in or otherwise improving such street; and upon the application, in writing, of all the owners of lots fronting any street, lane, alley, avenue or way, such street, lane, alley, avenue or way may be vacated and discontinued; *Provided*, The trustees think the public convenience will not thereby be injured; and upon a similar application, of all the owners of lots through which a new street, lane, alley, avenue or way is proposed to be opened, the trustees may cause such new street, lane, alley, avenue or way to be opened; also to lay out and establish any new street, lane, avenue or way in said village, upon the petition of any fifteen freeholders in said village, in the same manner that town supervisors are authorized to lay out public highways; and damages may be adjusted and paid in the same manner as provided by statute in laying out public highways;

By-laws, &c.

11th. To make, pass, ordain and establish such by-laws, ordinances and regulations, not repugnant to the constitution and laws of this State or of the United States, for the purpose of carrying into effect the provisions of this act, as they may deem proper, but no such by-law, ordinance or regulation shall take effect until the same shall have been published for three weeks successively, or three copies thereof have been posted up in said village at or before the expiration of said three weeks; if any fifteen freeholders of said village, in writing, ask the trustees to call a special meeting of the voters of said village, to consider such ordinances or regulations, the trustees shall call such special meeting, and if a majority of the voters then present at such special meeting, shall decide against the adoption of such by-laws, ordinances or regulations, then the same shall not be in force, but if a majority do not so decide, then the same shall be in force;

Repeal, &c.

12th. To repeal or amend any by-law, ordinance or regulation, subject to the same restrictions and limitations as mentioned in clause eleventh of this section;

Poll tax.

13th. To impose a general poll tax upon every male resident of said village above the age of twenty-one years, and under the age of fifty-five years, of two days labor, or in lieu thereof, two dollars, to be appro-

not be taxed by virtue of any law or ordinance adopted by the authority of said village.

Property subject to taxation

SEC. 21. All property real and personal within the limits of said village, not exempted above, shall be subject to taxation. Personal property shall be construed to include all goods, chattels, moneys and effects, all stocks in any monied incorporation, and debts due from solvent debtors, over and above the amount of debts owed by the owner of personal property above specified.

Assessment roll.

SEC. 22. It shall be the duty of the assessor on or before the 15th day of June in each year, to make out an assessment roll in which he shall set down the names of all the taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents who shall own real estate therein, and the description, quantity and value of all the property subject to taxation in said village, and then to give one week's notice of the time and place at which he will equalize and correct said assessment roll, at which time and place, he shall proceed in the same manner as town assessors in like cases are now required to do, and may require the like affidavit of any person conceiving himself aggrieved by the assessment, and for that purpose said assessor shall have power to administer the oath, and said assessor shall cause all such affidavits to be filed in the office of the clerk of said village. When said assessment roll shall have been completed, it shall be certified by said assessor, as a true assessment roll of all the property subject to taxation in said village and immediately deposited with the clerk of said village.

Clerk's duty.

SEC. 23. It shall be the duty of the clerk, after the assessment roll is placed in his hands, and as soon as the amount of tax to be levied or the rate per cent. shall be determined in accordance with the provisions of this act, to complete said assessment roll by annexing to each lot or other kind of property the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned and the amount or rate per cent. determined so as aforesaid, which schedule shall be called a tax list, and shall be recorded by the clerk in a book by him kept for that purpose.

Clerk to deliver to treasurer for collection.

SEC. 24. The clerk shall complete the tax list as aforesaid and deliver the same to the village treasurer with

prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation, and in any such action which shall be lawful to declare generally in debt for such penalty or forfeiture, and to give the special matter in evidence, and the defendants may plead the general issue, and give such special matter in evidence; *Provided*, That after the act commonly called the "Code," takes effect, all actions shall be strictly in accordance with the provisions of the Code. And the expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the corporation, and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of the village. Proviso.

SEC. 15. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit or oath of the clerk of the corporation of the putting up notices, by-laws or ordinances as required by this act, shall be *prima facie* evidence in all courts and elsewhere that such notices, by-laws or ordinances were properly published or posted up. Affidavit of publication.

SEC. 16. Any three of said trustees shall be a quorum for the transaction of all business, but no by-law, ordinance or regulation shall pass unless three of said trustees concur therein. Quorum.

SEC. 17. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant or freeholder in said village, in any action or proceeding in which said village is a party or interested. No person an incompetent juror, &c.

SEC. 18. Every inhabitant of said village belonging to any fire company or hook and ladder company therein, shall be exempt from serving on juries and from doing military duty, except in case of war, invasion, or insurrection. Firemen exempt from jury service, &c.

SEC. 19. It shall be lawful, on the second Tuesday of April next, and thereafter at the regular annual village meeting, for all voters who own taxable property in said village, to decide how much and for what purposes revenue shall be raised in one year, but in no case shall the revenue voted to be raised in one year exceed the rate of one dollar on every one hundred dollars of the assessed value of all property subject to taxation. Vote to raise money.

SEC. 20. All property which is or shall be by law exempt from taxes, for State or county purposes, shall Property exempt.

not be taxed by virtue of any law or ordinance adopted by the authority of said village.

Property subject to taxation

SEC. 21. All property real and personal within the limits of said village, not exempted above, shall be subject to taxation. Personal property shall be construed to include all goods, chattels, moneys and effects, all stocks in any monied incorporation, and debts due from solvent debtors, over and above the amount of debts owed by the owner of personal property above specified.

Assessment roll.

SEC. 22. It shall be the duty of the assessor on or before the 15th day of June in each year, to make out an assessment roll in which he shall set down the names of all the taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents who shall own real estate therein, and the description, quantity and value of all the property subject to taxation in said village, and then to give one week's notice of the time and place at which he will equalize and correct said assessment roll, at which time and place, he shall proceed in the same manner as town assessors in like cases are now required to do, and may require the like affidavit of any person conceiving himself aggrieved by the assessment, and for that purpose said assessor shall have power to administer an oath, and said assessor shall cause all such affidavits to be filed in the office of the clerk of said village. When said assessment roll shall have been completed, it shall be certified by said assessor, as a true assessment roll of all the property subject to taxation in said village, and immediately deposited with the clerk of said village.

Clerk's duty.

SEC. 23. It shall be the duty of the clerk, after the assessment roll is placed in his hands, and as soon as the amount of tax to be levied or the rate per cent. shall be determined in accordance with the provisions of this act, to complete said assessment roll by annexing to each lot or other kind of property the amount of tax which shall be chargeable on the same, agreeably to the assessment as returned and the amount or rate per cent. determined so as aforesaid, which schedule shall be called a tax list, and shall be recorded by the clerk in a book by him kept for that purpose.

Clerk to deliver to treasurer for collection,

SEC. 24. The clerk shall complete the tax list as aforesaid and deliver the same to the village treasurer with-

in one month from the time when the amount shall be determined, and shall note the time of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax so assessed shall be and continue a lien on the property so assessed and taxed, from and after the day of delivery of the tax list into the hands of the treasurer as aforesaid, until such tax shall be paid, together with all costs which may accrue thereon under the provisions of this act.

Treasurer's notice.

SEC. 25. Upon the receipt of the tax list as aforesaid, it shall be the duty of the treasurer immediately to give notice in a newspaper printed in said village, or by posting up notices in three public places in said village, that such tax list has been committed to him for the purpose of collecting the tax thereon, and that he will receive the taxes at his office for one month thereafter next ensuing, subject to a deduction of five per centum if paid within said month.

When to collect by distress, &c.

SEC. 26. If the taxes are not paid to the treasurer on or before the expiration of said month, he may proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving six days' notice of the time and place of such sale, by written or printed notices posted up in three public places in said village.

Sale for taxes.

SEC. 27. In case the tax on any lot or piece of land shall remain unpaid for six weeks after the tax list shall have been placed in the hands of the treasurer so as aforesaid, and there are no goods or chattels subject to be taken of the persons charged therewith to be found in said village, it shall be the duty of the treasurer to give notice for four weeks successively, in a newspaper printed in said village, or by posting up notices in three public places in said village, that all lots and other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place to be therein mentioned, for the purpose of paying the taxes assessed thereon, together with all costs and charges which shall accrue by advertisement and sale agreeably to the provisions of this act. When requested, the treasurer shall receive the taxes on a part of any tract or lot of land.

Hours of sale, &c.

SEC. 28. On the day mentioned in said notice, the treasurer shall commence the sale of the said lots and

signated on the ballot voted; and thereafter, at the annual meeting, there shall be elected one justice of the peace and one constable.

Return of election, &c.

SEC. 39. The election of said officers shall be returned and certified to by the clerk of the village, in the manner prescribed by law for town clerks in the case of town officers; the constables elected under the provisions of this act, shall give bonds in the manner that constables are required to, and shall be accepted by the clerk of said village, and filed in his office.

To construe certain words.

SEC. 40. The word "street" or "road," in this act shall be construed to mean and include all public highways, or roads, where such construction does not conflict with other laws of the State.

Functions.

SEC. 41. All the functions heretofore exercised by the town officers of the town of Black Earth, which are by this act reposed in the officers of this corporation, shall hereafter be exercised by said corporation officers.

Approved March 7, 1857.

Chapter 346.

An Act to authorize the town of Platteville to aid in the construction of the Arena and Dubuque Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to aid construction of a railroad.

SECTION 1. The board of supervisors of the town of Platteville, in the county of Grant, are hereby authorized on the conditions and for the purposes hereinafter mentioned to issue the bonds of their town for any sum of money not exceeding in the aggregate one hundred thousand dollars.

Denomination of bonds, &c.

SEC. 2. Such bonds shall be signed by the chairman of the town board of supervisors, and countersigned by the town clerks, shall be of the denomination of one hundred dollars, or of one thousand dollars each, shall be payable at such place as the board of supervisors issuing them may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years

the date, with interest payable annually, at not
ding seven per cent. per annum.

c. 3. Such bonds may, according to the purpose for Bonds may be delivered for stock in said company.
h their issue is authorized, be delivered in pay-
at the value expressed on their face, for shares of
to be subscribed by the supervisors for the benefit
town in the capital stock of the Arena and Du-
e Railroad Company.

c. 4. No such bonds shall be issued until a Vote on issue of said bonds.
rity of the legal voters of the town voting upon
uestion, shall have voted in favor of such issue.
election for that purpose may be called by super-
s of the town, and notice of the election shall be
ed up in six public places, in the town and be
ished in a newspaper printed in the county for
lty days preceding such election. The notice shall
ify the amount of bonds proposed to be issued, the
th of time they are to run, the rate of interest they
l bear, and the railroad for which they are to be
ed; at such election, those voting in favor of the
osition, shall deposit a ballot containing the words,
the railroad," and those voting against it shall
osit a ballot containing the words "against the
road;" the election shall be conducted and the votes
ll be canvassed and certified in the same manner as
votes given at the annual town meeting; *Provided,* Proviso.
ever, That no such election shall be called or ordered
the supervisors of any town mentioned herein, ex-
t the same shall be requested in writing, by petition
not less than twenty freeholders, in such town, and
en such petition shall be presented to the supervisors
such town, they shall call an election as herein
vided.

EC. 5. Before the supervisors shall issue and deliver Railroad company to give security.
such bonds, the railroad company shall give secu-
to the satisfaction of the supervisors, that the
ney arising from the sale of the bonds, shall be faith-
ly applied to the construction of such section of said
road as they may designate, most advantageous to
ir town, and that the railroad shall be completed to
ch point and within such time as they may deem it
e and expedient to require.

SEC. 6. The shares of stock in such railroad company Stock pledged for the payment of prin-
as taken by any town and all dividends arising
erefrom, are hereby pledged, and shall remain irrevo-

cipal and interest.

cably pledged for the payment of the principal and interest of the bonds delivered therefor, but the supervisors may sell the same if authorized so to do, by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale, and the interest thereof, shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, after deducting the dividends due to such town on its shares of stock.

Annual tax

Railroad commissioner.

SEC. 7. The board of supervisors of each town holding any shares of stock, shall annually or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and *shall* be entitled to cast one vote for every share of stock so held by the town in the election of officers, and on all questions.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 347.

An Act to authorize certain towns to aid in the construction of Railroads passing through them.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns authorized to issue bonds.

SECTION 1. The respective boards of supervisors of the towns of Baraboo, Kingston, Merrimac, Greenfield, Freedom, New Buffalo and Reedsburgh, in the county of Sauk, are hereby authorized on the conditions and for the purposes hereinafter mentioned, to issue the bonds of their respective towns for any sum of money not exceeding in the aggregate, the amount in each case hereinafter specified, to wit: Kingston, twenty-five

Ratio.

ousand dollars; Merrimac, fifty thousand dollars reenfield, fifty thousand dollars; Freedom, fifty thou- nd dollars; New Buffalo, fifty thousand dollars; eedsburgh, one hundred thousand dollars; and Bar- boo, one hundred thousand dollars.

Bonds—by whom signed and when and where payable

SEC. 2. Such bonds shall be signed by the chairman f supervisors, and countersigned by the town clerks, nd shall be of the denomination of five hundred ollars, or of one thousand dollars each, and shall be ayable at such place as the board of supervisors issu- ng them may deem advisable, and payable at a time pecified therein, not exceeding twenty years from the late, with interest payable annually or semi-annually, t a rate of interest not exceeding eight per cent. per nnum.

To be delivered at their par value, &c.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorised, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors for the benefit of the towns in the capital stock of any railroad company authorized to construct a railroad through such towns, or may be loaned to such company to be used in aid of the construction of such road.

Vote upon question of issuing bonds.

SEC. 4. No such bonds shall be issued until a majority of the legal voters of the town voting upon the question shall have voted in favor of such issue. The election for that purpose may be called by the supervisors of the town, or be ordered to be held on the day of the annual town meeting, but in either case, notice of the election shall be posted in five public places in the town, and be published in a newspaper printed in the county, for thirty days preceding such election. The notice shall specify the amount of bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, the railroad for which they are to be issued, and whether they are to be delivered in payment of subscription for shares of stock for the town, or to be loaned in aid of the construction of the road. At such election, those voting in favor of the proposition, shall deposit a ballot containing the words, "For the railroad," and those voting against it shall deposit a ballot containing the words, "Against the railroad." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Ballots—what to contain.

Railroad company to give security for the faithful application of bonds

SEC. 5. Before the supervisors shall issue and deliver any such bonds for either of the aforesaid purposes, the railroad company shall give security to the satisfaction of the supervisors, that the money arising from the sale of the bonds shall be faithfully applied to the construction of such portion of the railroad as they may designate, most advantageous to their town, and that the railroad shall be completed to such point and within such time as they may deem it safe and expedient to require; and before any bonds shall be loaned to aid in the construction of any railroad, the railroad company shall, in addition, execute to the town the bonds of such company, corresponding in amount, in the time when and place where payable, in the rate of interest, and in other respects with the bonds issued by the town, and shall execute to the treasurer of the town, for the benefit of the town, a mortgage to secure payment of such bonds, upon such portion of their railroad as the supervisors may require, not less in length than one mile for each five thousand dollars of bonds so secured, and conditioned that the railroad company will pay the principal and interest as the same becomes due of the bonds so executed to the town; but the payment by such company of the principal or interest of any of the bonds so issued by the town to the holders thereof, shall be deemed to be and shall apply as payment of an equivalent amount of the bonds of such company so executed to the town, or of the interest thereon.

Mortgage to be a lien upon railroad.

The said mortgage shall include and be a lien upon the railroad, the right of way, the fixtures, and all the privileges and appurtenances belonging to it, whether already acquired or constructed at the time of the execution of such mortgage, or thereafter to be acquired or constructed, but it shall only be an equal and concurrent lien, to be satisfied proportionately with any other mortgage upon such railroad for not exceeding ten thousand dollars per mile, which such company may execute, whether such other mortgage shall be executed prior or subsequently to the mortgage so given to the town. Such bonds and mortgage so executed to the town, shall be deposited with the town treasurer. The supervisors may order the treasurer to deliver up the said bonds, or any portion of them, on the surrender and cancelling of an equivalent portion of the bonds of the town so loaned.

Stock of town irrevocably pledged.

SEC. 6. The shares of stock in such railroad company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor, but the supervisors may sell the same, if authorized so to do by vote of [an] annual town meeting of their town, and thereafter the proceeds of such sale and the interest thereof shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall, annually, or whenever it may become necessary, levy a tax upon the taxable property of the town sufficient to pay the interest upon such bonds, after deducting the dividends due to their town on its shares of stock.

Stock of town not affected by lien, &c.

SEC. 7. The shares of stock so subscribed for and held by any such town, shall not be in any manner effected by any mortgage, lien or incumbrance given or obtained upon such railroad, and in case such railroad shall be sold or in any manner disposed of to satisfy any such mortgage or lien, such shares of stock held by such town shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares, in whosesoever hands or control such railroad may be, as if no such sale or disposition had been made.

Railroad commissioner.

SEC. 8. The board of supervisors of each town holding any shares of stock, shall annually or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers, and all questions.

SEC. 9. This act shall be published in the Baraboo Republic, and with the laws of a general nature, and shall thereafter be in force.

Approved March 7, 1857.

Chapter 348.

An Act to incorporate the Fond du Lac and Waukesha Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to receive subscription to capital stock.

SECTION 1. M. J. Thomas, Elihu Enos, jr., E. N. Foster, Geo. Cairncross, Jas. M. Lewis, J. W. Hunt, D. M. McDonald, H. Totten, Calvin C. Barns, G. W. Weskert and J. D. Reymert, shall be, and they are hereby appointed commissioners under the direction of a majority of whom, subscriptions may be received to the capital stock of the Fond du Lac and Waukesha Railroad Company hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places, by publishing the same in one newspaper, printed at the city of Fond du Lac and village of Waukesha, in the county of Waukesha.

Opening books.

Capital stock.

SEC. 2. The capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each; and as soon as two hundred shares of stock shall be subscribed, and five dollars of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the Fond du Lac and Waukesha Railroad Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation.

Corporators and style.

Capable of.

They shall be capable, in law, of purchasing, holding, selling, leasing and conveying estate, real, personal and mixed, so far as the same may be necessary, for the purposes hereinafter mentioned; and, in their corporate name, may sue and be sued, plead and be impleaded; may have a common seal, and may alter the same at pleasure; and, generally, may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

SEC. 3. The said commissioners, or a majority of them, after the said two hundred shares of said stock shall have been subscribed as aforesaid, shall give at least thirty days notice in the newspaper hereinbefore mentioned of the time and place by them appointed for the subscribers or stockholders to meet, for the [purpose of] electing thirteen directors; and annually thereafter, the said stockholders shall meet [on] the second Wednesday of January, for the purpose of electing directors aforesaid, upon a like previous notice to be given as aforesaid; *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties, and be invested with all the powers of directors: *And Provided*, That if, from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that, until such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election; *And Provided also*, That, in case of vacancy, from the death, removal or resignation of any director, his place may be filled by a majority of the board of directors. Meeting to elect directors. Proviso. Proviso. Proviso.

SEC. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually, by ballot, on the days hereinbefore prescribed, by the stockholders of said company; the votes to be delivered in person, or by proxy, duly authorized: which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors are elected. They shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the well ordering the affairs of said company. Management.

SEC. 5. None but stockholders shall be elected directors; and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote; and in all cases of elections of directors, the thirteen stockholders having the highest number of votes shall be declared duly elected. None but stockholders elected directors.

SEC. 6. The said directors shall meet at such times and places, and be convened in such a manner as they Meeting of directors.

may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who, in the absence of the president, shall appoint a president *pro tem.* The said directors shall appoint a treasurer, a secretary, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts. They shall decide the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof. They shall have full power to regulate tolls, to make such contracts, covenants and agreements with any person, co-partnership or body politic whatsoever, as the construction and management of the works, and the convenience and interest of the company may require, and, in general, to superintend and direct all the operations, receipts, disbursements and other proceedings of the company; *Provided*, That no installment called in at any one time shall exceed twelve dollars per share, and that no installment shall be called for by the directors without at least thirty days' notice thereof in the newspaper hereinbefore named.

Officers.

Powers.

Proviso.

Stock certificates, &c.

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president, and countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due or to become due thereon; which stock shall be transferred in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Annual statement.

Special meetings.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on the

notice as that required for annual meetings, specifying, moreover, the object of such meetings; but no business shall be transacted at such special meetings unless a majority in value of the stockholders shall attend in person or by proxy.

May construct single or double track.

SEC. 9. The said company shall have power to locate and construct a single or double track railroad from Fond du Lac to Waukesha, and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct and erect all such side tracks, turn-outs and connecting tracks, and also such warehouses, toll-houses, machine shops, carriages, cars and other works and appendages as may be necessary for the convenience of the company, for the use of said railroad; and also to connect said railroad and operate the same with other railroads and branch railroads in the State of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of said companies shall intersect, and shall have full power to place the road of his company and its capital stock so consolidated under the direction of a joint board of directors, to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

May connect with any other railroad.

When charter forfeited.

SEC. 10. If said corporation shall not, within fifteen years from the passage of this act, complete the construction of said railroad, then the rights, privileges and powers of said corporation, under this act, shall be void.

May enter upon any land for exploring, &c., with a view to occupy same, and other purposes

SEC. 11. It shall be lawful for said company, their officers, engineers, and agents to enter upon any land, for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands, not exceeding one hundred feet in width, along the line of said route; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respect-

ively; and said company are further authorized, by their officers, engineers, agents and servants, to enter upon lands adjacent to the road beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures, for the operation and for the business of said road, and for the purpose of making drains, and giving a proper direction to water courses across or along said road, where the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel and stone taken from cuts, and to obtain earth, gravel, stone and other materials for embankments and structures necessary to the construction and repairs of said road, *doing* however, no unnecessary damage; and all lands *so* acquired, and all damages which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner, and agreeably to the provisions hereinafter provided; and when such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments shall vest in said company for the purposes aforesaid.

To compensate for taking and using lands.

When corporation and owners cannot agree, court to appoint commissioners to estimate dam-

SEC. 12. When said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid therefor, or when, by reason of the legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawful for any judge of the supreme court of this State, on application of said company, and at the cost and damage of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, to view and examine the land so taken with the buildings and improvements, if any, thereon, and to estimate the value of the land so taken or required by said company, and all damages which the owner or owners thereof shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of said road, or works appertaining thereto; and it shall be the duty of said company to give three weeks notice of their application to the judge of the supreme court for the appointment of said

Give notice of application for appointment commissioners.

commissioners, to be published for three successive weeks in a newspaper published at the capitol of this State, and also in a newspaper, if there shall be any, published in each of the counties through which said road may be located, and the affidavit of the publisher or printer shall be legal evidence of such publication; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or person competent by law to administer oaths, faithfully, and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same; and the damage or injury which the owner or owners thereof shall have sustained, or may sustain, by reason of the taking thereof by the said company; whereupon such commissioners shall proceed to examine the premises, and estimate the value of such land, and the amount of damage, if any, which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside; and it shall be the duty of said clerk of court to file the same; and in case no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court be entered thereon, on motion of either party, at any term of said court; *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office; and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empanelled to try the same, shall find the value of the land required by said company, and the damages which the owner or owners thereof shall have sustained, or may sustain by the taking of the same, to such owner or owners, for the construction of such railroad, and judgment of court shall be entered accordingly; *Provided*, That it shall not be lawful for the said commissioner said court to proceed in the assessment of damages, or the valuation of any lands or materials as aforesaid, the absence of the owner or owners thereof, his, her,

Duty of commissioners.

Proviso.

Proviso.

or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the State, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Provided also*, That upon making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein, to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said railroad may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Proviso.

When judgment rendered and amount paid or tendered, title to vest in company.

SEC. 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may, at any time thereafter, be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court, and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for the same, or less sum than that reported by the said commissioners.

Proviso.

Not to obstruct the passage of any highway.

SEC. 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same; and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or road to pass over or under such railroad without inconvenience; *Provided*, That in cases where said railroad may cross or come in contact

with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall, previous to occupying any part of such road, construct a new road, in part or in whole as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

To make passage over or under railroad when required

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry, as occasion may require; *Provided*, That said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said railroad on any farm, the person owning or possessing such farm shall not be entitled to require said company to make additional causeway.

Proviso.

Act to be construed favorably.

SEC. 16. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

Willful or malicious damage to road—penalty.

SEC. 17. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the State prison for a term of not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of

placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the laws in such cases made and provided.

May borrow money.

SEC. 18. The said railroad company are hereby authorized and fully empowered, in their corporate name and capacity, to borrow any sum or sums of money from any persons, corporations, or body politic of any kind, and for an rate of interest which may be agreed upon by and between said corporation and any person or party of whom such money shall be obtained, and make and execute, in their corporate name, all necessary writings, notes, drafts, bonds or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this State or any other State where such transaction may be made to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely, the construction of a railroad from Fond du Lac city, in the county of Fond du Lac, to Waukesha, in the county of Waukesha, via the village of Mayville, in the county of Dodge; and the contracts and official acts of said company are hereby declared binding in law and equity upon said corporation and all other parties to said contracts.

When act takes effect; lawful, &c.

SEC. 19. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings, and fixtures connected therewith; and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

When incumbrance on land to deposit amount.

SEC. 20. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed, as hereinbefore provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk to the said owner of the said land, or his lawfully authorized agent, upon the removal of the said incumbrances.

SEC. 21. The corporation hereby created shall have power to enter upon and use any railroad with which this road may intersect, for all purposes for which such roads are ordinarily used, upon such terms as the several corporations owning such roads can agree; and if they cannot agree, then, upon such terms as shall be fixed upon by three commissioners to be appointed by the supreme court, upon the application of either party and upon such notice and in such manner as said court shall direct. The railroad hereby authorized to be built, shall be subject to be entered upon and used by all other roads under the provisions and liabilities of this section. May intersect with any other road.

SEC. 22. The government of the United States shall have the right to require the corporation hereby created to transport over said [road] all mails at such rate as may be agreed upon by said Government and said corporation; and in case of disagreement, the terms of said transportation shall be fixed in the same manner as is provided in section twenty-one for the disagreement therein specified. Transport mails, &c.

Approved March 7, 1857.

Chapter 349.

An Act to authorize the County of Outagamie to loan its credit to aid in the construction of Railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Orson W. Clark, T. M. McCaughug, Frederick Packard, Edward West, Julius S. Buck and L. Z. Mason, are hereby appointed a board of commissioners for the purpose of loaning the credit of the County of Outagamie for the purpose of aiding in the construction of any railroad or railroads that may pass through said county. Commissioners

Object.

SEC. 2. Said commissioners shall, after the passage of this act, and after the question of the said loan shall have been authorized by a vote of the electors of the Elect a president and other officers—duties.

county of Outagamie, assemble at the city of Appleton, and elect one of their number as president and one as treasurer, and also one as secretary; and the president, when present, shall preside at all the meetings of the board for the transaction of business, and the secretary shall keep full and accurate records of all the transactions of said board.

Meetings—where held.

SEC. 3. The board of commissioners shall hold their meetings at the city of Appleton, for the transaction of all their business.

Loan credit of county.

SEC. 4. The board of commissioners are hereby authorized to loan the credit of the county of Outagamie, by issuing its bonds to aid in the construction of any railroad or railroads passing through said county in an amount not exceeding two hundred and fifty thousand dollars; *Provided*, That no portion of the bonds issued in pursuance of the provisions of this act, shall be issued or delivered to any railroad company, except upon the terms and conditions, and in the manner prescribed in this act.

Proviso.

Bonds.

SEC. 5. Every bond issued under the provisions of this act, shall be for a term of not more than twenty years, and bearing interest at a rate not exceeding eight per cent. per year, payable semi-annually, and both interest and principal payable in the city of New York; and all bonds issued as aforesaid, shall be accompanied by coupons attached thereto for the interest aforesaid upon said bonds.

To vote upon question of loaning credit.

SEC. 6. No bonds shall be issued in pursuance of this act, nor shall the credit of the county be loaned to said railroad companies until a majority of the legal voters of said county voting upon said question, shall vote in favor of the same, at any election to be called by the clerk of the board of supervisors or the sheriff of said county, for that purpose. At such election, those voting in favor of such loan shall vote by ballot, with the words inscribed thereon, "For the railroads;" and those voting against, shall vote by ballot, with the words inscribed thereon, "Against the railroads;" nor until the board of supervisors of said county shall have passed a resolution, authorizing the issuing of such bonds, or the loaning of the credit of said county to said railroad company.

Ballots—what to contain.

To give notice of election.

SEC. 7. It shall be the duty of the clerk of the board of supervisors or the sheriff of said county, upon the

equest of the said board of commissioners, to give at
ast three weeks' notice in two or more newspapers
rinted and published in said county, of the time and
lace of holding such election, and also by posting
ritten or printed notices in three conspicuous places
i each of the towns and wards in said county, for at
ast twenty days prior to such election; and said elec-
on shall be conducted and returns thereof made and
nvassed in the same manner as elections are conduc-
d for county officers in said county.

Signing and registering of bonds.

SEC. 8. The bonds issued under the provisions of this
t shall be signed by the president and secretary of
id board of commissioners, and registered by the
erk of the board of supervisors, in a book to be pro-
ded by said clerk for that purpose, and whose duty it
all be to keep a correct registry and account of all
ch bonds so issued by said commissioners, and the
id bonds when signed and registered as aforesaid,
all, in the hands of any *bona fide* holder of the same,
full and perfect evidence, both in law and equity,
establish the indebtedness of said county according
the tenor and effect of said bonds; *Provided*, That
bonds shall be issued except by order of a majority
said board of commissioners at a meeting of said
ard, and which order shall be entered upon their
nutes, and the minutes of said board shall be open
the inspection of any voter of said county at all
es at any meeting of said board, and all records
l proceedings of said commissioners shall be filed
l kept in the office of the clerk of the board of su-
visors of said county, and open to the inspection of
inhabitant of said county at all times.

Proviso.

Railroad company to give security for bonds.

SEC. 9. Before the delivery to either of the railroad
npanies hereinbefore named, of any of the bonds
ich may be issued in pursuance of the provisions of
act, such railroad company shall execute to the
surer of said county, and his successors in office,
deliver to the said board of commissioners, for the
and benefit of said county, the bond of such com-
y, under the proper legal authority of its board of
ctors, signed by their president and countersigned
heir secretary, under the corporate seal of said com-
y, in a penal sum of at least double the amount of
bonds to be issued to such company, with condi-
s and covenants therein, that such company shall

punctually pay and discharge the principal and interest moneys of the bonds of said county so received by them, as the said principal and interest shall become due and payable, and shall also save harmless the said county, and each and every town therein, against all payments, liabilities, losses, damages, costs and expenses, which the said county may incur or sustain in consequence of the issue and delivery of the said bonds of said county, to such company; and the said bonds of such company so executed and delivered to said board of commissioners, are hereby declared to be legal and valid against such company so issuing them, according to the tenor and effect thereof.

Company to issue mortgage to secure performance of covenants.

SEC. 10. To secure the performance of the covenants and conditions of the bonds of said railroad companies so to be issued to said board of commissioners *for* the use of said county, such company so issuing *their* said bonds, shall, at the same time, execute to the treasurer of said county of Fond du Lac, and his successors in office, and deliver the same to the said board of commissioners for the use and benefit of said county, a (message) [mortgage] executed in due form of law, upon some portion, sections or (dividends) [divisions] of the said railroad of such company, twenty miles in length, for every one hundred thousand dollars of the bonds of said county so issued to such company, and at that rate for any amount of the bonds of said county, so issued to such company, [which] said mortgage or mortgages, shall convey such portion of such railroad so mortgaged, its (improvements) [equipments,] real estate, buildings, personal property and franchises, as well as that thereafter to be acquired and constructed as that already acquired and constructed at the time of the execution of such mortgage or mortgages, and shall contain therein covenants of warrants of the title thereunto, and shall be the first mortgage or lien upon said property, subject to a first and prior mortgage or lien upon said property for a sum not exceeding ten thousand dollars per mile for every mile of road embraced therein, to be ascertained by dividing the aggregate amount of the bonds secured by such first mortgage by the number of miles of such road embraced in the same.

Relative to security by company.

SEC. 11. In case the said railroad companies, or either of them, before they have actually constructed their

aid roads, so as to place them under mortgage, as pro-
ided in this act, shall offer other sufficient and satis-
ctory security to said county, to be approved by said
ommissioners, the said commissioners may receive the
me, and thereupon issue and deliver the bonds of
id county as aforesaid, but the said company so offer-
g such security shall also execute the mortgage pro-
ded for by this act, which shall be a lien upon said
ad, as provided by section ten of this act.

When to vote on loaning credit.

SEC. 12. The question of loaning the credit of the
unty of Outagamie under this act, shall be submitted
the electors of said county, on or before the first day
July, A. D. 1857.

Faith of county irrevocably pledged.

SEC. 13. The faith of the county of Outagamie is here-
irrevocably pledged for the full and punctual payment
the principal and interest of every such (loan) [bond]
ich shall be issued in pursuance of this act, and the
ard of supervisors of said county shall have power to
vide for the payment of the whole or any part of
l principal and interest, and it shall be the duty of
l board of supervisors to provide for the payment of
portion thereof which shall not be provided for by
railroad company to which the same may have
n delivered, by levying and collecting from time to
e such special tax or taxes on the real and personal
perty in said county liable to county taxes as may
sufficient to pay and discharge the same, which
s shall be levied and collected in the same manner
ounty taxes.

EC. 14. This act shall take effect and be in force
1 and after its passage.

pproved March 7, 1857.

Chapter 350.

An Act to enable the Board of Supervisors of the (County) [Counties] of Ozaukee and Washington to purchase and control an abstract of records, and to legalize the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Counties authorized to purchase certain records.

SECTION 1. The board of supervisors of the counties of Ozaukee and Washington, are hereby authorized and empowered to purchase from the owner thereof an abstract of the records of said counties, respectively, heretofore made by Fisher M. Rice, (now deceased,) or a portion of the same, or a copy thereof, for *such* sum or sums and upon such terms as may be agreed upon between said owner and said boards of supervisors.

Disposition of same when purchased.

SEC. 2. Said abstract when thus purchased, shall be lodged in the office of register of deeds of the counties purchasing the same.

Shall be evidence same as original.

SEC. 3. All that portion of said abstract which purports to be an abstract of the records in vol. "M." of deeds of the county of Washington, (which vol. is missing, having been lost or destroyed) when thus purchased and placed in the registers office as aforesaid shall be received in all courts of this State, as *prima facie* evidence of the title to real estate, the same as if said vol. "M." was presented as evidence in court.

Approved March 7, 1857.

Chapter 351.

An Act to amend "An act to incorporate the Mineral Point and Portage City Railroad Company," approved October 13, 1856.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment by changing corporators and directors.

SECTION 1. Sections one (1) and three (3) of an act to incorporate the Mineral Point and Portage City Railroad Company, approved October 13, 1856, are hereby

amended by striking out the names of all the corporators and directors of said company, and inserting in lieu thereof wherever such names occur, the following names: Charles Bracken, of Lafayette county, Levi Sterling, Joseph Smith, Isaac E. Messmore, Francis Vivian, William T. Henry, and Luther H. Whittlesey, of Iowa county, and N. H. Wood and J. H. Palmer, of Columbia county, and George F. Wright and William M. Taggart, of Winnebago county, and N. H. Virgin and N. W. Bass, of Grant county; and the above named persons shall be vested with all the rights and privileges conferred in said act.

SEC. 2. This act shall take [effect] from and after its passage.

Approved March 7, 1857.

Chapter 352.

An Act to authorize the laying out of a State Road from the Village of Reedsburg, in Sauk county, to Stevens Point, in Portage county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Platt Fish, Oscar F. Gregory and Jesse Pottington, are hereby appointed commissioners to lay out and establish a State road from the village of Reedsburgh, in Sauk county, to Stevens Point, in Portage county, on the route of a State road heretofore authorized by an act of the legislature, and partially laid out and never completed; *Provided*, The said commissioners shall be entitled to such compensation only as may be allowed by the county boards of supervisors through such counties as said road may be run; *Provided, also*, That the law of 1853, regulating the laying of State roads has been complied with. Commissioners and route. Proviso.

Approved March 7, 1857.

Chapter 353.

An Act defining the duties, powers, rights and jurisdiction of Police Justices in the city of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Jurisdiction of police justices of Fond du Lac

SECTION 1. The police justices of the city of Fond du Lac, shall have and possess all the authority, powers and rights, and jurisdiction of a justice of the peace, in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases, within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record; *Provided*, That nothing herein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to affect in any manner the powers or jurisdiction of the circuit or county courts of Fond du Lac county. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees except such as shall accrue in prosecutions for the violation of the charter or ordinances of the city, wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council. In case of the absence, sickness or other inability of the police justice, the mayor may appoint and authorize, by warrant, any justice of the peace, within said city, to perform the duties, and shall give notice of such appointment to the city attorney, city marshal and common council. The common council may confirm or reject such appointment, and the justice so appointed, and confirmed, shall, for the time being, possess all the authority, powers and rights, and discharge all the duties of the police justice. Appeals and writs of *certiorari* may be taken from the police justice to the circuit

Proviso.

Fees.

In case of absence the mayor to substitute, &c.

Appeals.

court, in the same manner as from justices of the peace.

Sec. 2. The police justice shall, quarterly, report to the common council, a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall, at the same time, account for and pay over to the treasurer, the amount of all penalties and fines collected, which may, by law, accrue to the city. The city shall not be liable or pay any costs for violations of any law of this State, but such costs shall be a county charge as heretofore. Quarterly report.

Sec. 3. All acts or parts of acts contravening or conflicting with the provisions of this act, are hereby repealed; and this act shall take effect immediately after its passage. Repealing clause.

Approved March 7, 1857.

Chapter 354.

An Act to amend the act incorporating the Union Protective Insurance Company of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of an act to incorporate the Union Protective Insurance Company of Madison, is hereby amended so as to increase the capital stock of said company to a sum not exceeding two hundred thousand dollars. Amendment to increase capital stock.

Sec. 2. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 355.

An Act to legalize a certain State Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

State road legalized.

SECTION 1. That a certain State road, leading from the north quarter post of section seven, in township number nine, north of number nine east, in the county of Dane, to Lodi, in the county of Columbia, laid out by J. V. Dwinell, G. M. Bartholomew and W. D. Stanley, under authority of an act of the Legislature, which said road was surveyed by G. M. Bartholomew, is hereby declared a public highway, according to the field notes and platting of said surveyor.

SEC. 2. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 356.

An Act to provide for laying out a State Road from Manitowoc in Manitowoc county, to Big Sturgeon Bay, in Door county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out state road and route.

SECTION 1. That Sturgis B. Sherwood, Felix Wahl, Dennis A. Reed, William H. Warren and Henry S. Schuyler, be and they are hereby appointed commissioners to lay out and establssh a State road, commencing at some point in the town of Manitowoc, in Manitowoc county, and running thence northerly by the way of Two Rivers, Kewaunee, and around the head of Big Sturgeon Bay, to some convenient point in lot one (1), section eight (8), in town twenty seven (27) range twenty-six (26), east, on the easterly side of said Bay, in Door county.

SEC. 2. Any three of said commissioners shall form a quorum for business, and shall be entitled to such compensation for laying out said road as the boards of supervisors of the several counties through which said road may pass may deem sufficient; *Provided*, That no compensation shall be allowed for laying said road over any road that may have been heretofore established; *And further provided*, That said road shall be laid out in accordance with the "Act in relation to State Roads," approved March 22, 1853. Quorum. Provisos.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 357.

An Act to authorize the laying out a State Road from the mouth of the Kewaunee River, in Kewaunee County, via Decker's, in Casco, to some point in Section 5, Town 25, Range 23 east.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Edward Decker, L. P. Fisher, and Joseph Lemins, are hereby appointed commissioners to lay out and establish a State road from the mouth of the Kewaunee river in Kewaunee county, via. Decker's, in the town of Casco, to some point in section 5, town 25, range 23, east. Commissioners and route.

SEC. 2. Said road shall be laid out and established in conformity with the provisions of law in relation to state roads; *Provided*, That no part of the expense shall be paid out of the State treasury. Proviso.

Approved March 7, 1857.

Chapter 358.

An Act to provide for laying out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to lay out state road.

Route.

SECTION 1. E. B. Quiner, Jonathan Hall and William H. Morgan are hereby appointed commissioners to lay out and establish a State road from the town of Marinette, in Oconto county, up the west side of the Menomonee river, to the Twin Islands, on sections one and two, town thirty-two, range twenty-two; thence by the way of Big Bend and the Big Bekuenesec Falls to opposite the mouth of the Peshekama river.

Compensation.

Provisos.

SEC. 2. The said commissioners shall be allowed a just compensation for their services, to be paid by the counties through which said road passes; *Provided*, That no compensation shall be paid for laying said road over any portion of the route where a road has been previously laid and established; *And provided further*, That the commissioners shall be entitled to no compensation for laying said road, unless they shall have fully complied with the provisions of chapter 44 of the general statutes of the year 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 359.

An Act to provide for the election of County Treasurer and Clerk of Board of Supervisors in the County of Waupaca.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of treasurer and clerk of board of supervisors.

SECTION 1. The county treasurer and clerk of the board of supervisors of the county of Waupaca, shall be elected at the general election in November 1857,

and shall hold their offices for the term of two years from the first day of January, A. D. 1858.

Supervisors to meet at Weyauwega.

SEC. 2. The supervisors of the several towns in the county of Waupaca, shall hereafter meet at the town of Weyauwega, at the place where the last general election was held, to canvass the votes cast at every general election held therein, at the time now prescribed by the statutes of this State, for canvassing votes of such election.

False returns—penalty.

SEC. 3. If any supervisor of any of the said towns entitled to hold a seat in said county board shall willfully neglect or fail to make full and correct return of the canvass of his town to said county board at its proper time and place of meeting aforesaid, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than three hundred dollars, nor more than five hundred dollars, and shall be confined in the county jail not less than six months, nor more than twelve months.

When act takes effect, &c.

SEC. 4. This act shall take effect and be in force from and after its passage, and shall remain in full force until the question of the county seat of said county shall be determined by a court having competent jurisdiction to determine the same; and when the location of the county seat of said county, shall be determined by the decision of any court by competent jurisdiction, or otherwise settled by law, then such board shall meet at such county seat.

Approved March 7, 1857.

Chapter 360.

An Act to authorize B. F. Phillips and his associates to maintain a Dam across the little Wolf River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authorized to maintain a dam.

SECTION 1. Benjamin F. Phillips, his associates, heirs and assigns, are hereby authorized and empowered to maintain a dam across the Little Wolf River, at a point in the south-east quarter of section eight (8), town

twenty-two (22), north, of range fourteen (14), east; *Provided*, That such dam shall not raise the water to exceed eleven (11) feet, and if the water so raised shall flow any land not owned by said parties, the owner of such land shall recover damages, which shall be determined by a jury in the circuit court of the county of Waupaca.

Proviso.

Build a slide in dam.

SEC. 2. The said B. F. Philips, his associates, heirs and assigns, shall build a suitable slide in said dam, for the convenience of (removing) [running] lumber, logs, timber and other materials over the same, and shall keep the same in good repair, which shall be kept open at all times, when the said river is in a running stage. The said slide shall not be less than twenty feet wide, and of sufficient depth to run rafts drawing fourteen inches of water in an ordinary running stage.

Collect tolls.

SEC. 3. When said B. F. Philips, his associates and assigns, shall have completed the said dam and slide as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all rafts, lumber, logs, timber or other materials, passing over such slide, as a compensation for maintaining and keeping in repair such slide, the tolls hereinafter specified, to wit:

Rates.

Two cents for each thousand feet of sawed lumber, or lumber in the log, scale measure, or in lieu thereof, one half cent for every log not over twenty feet long, and one cent for each twenty-four feet in length; [and] for all logs and timber over twenty feet in length, which shall be paid to said Philips, his associates, heirs or assigns at the time of running said lumber, logs, timber or material over such dam.

Persons running lumber over dam to pay measurement of same.

SEC. 4. It shall be the duty of any person or persons running logs, lumber or timber of any kind down said stream, and proposing to run the same over said dam, to first render to the said owners of said dam, a true and correct account of the measurement as above provided for in this act, and upon the rendition of such account, and before passing over said dam, the said owners of such lumber, logs or timber shall pay to the owners of said dam, the tolls properly chargeable under the provisions of this act.

Persons erecting booms to leave a channel, &c.

SEC. 5. Any persons owning or erecting any booms on the said Little Wolf river, for the purpose of securing logs, lumber or timber, shall at all times leave a clear opening in the main channel of said river of at

least twenty feet in width, and if any logs, rafts, lumber or timber shall, by accident or otherwise, be carried into any such boom, said boom may be opened so as to take out the same, if it can be done without injury to the proprietors of such boom, otherwise it shall be taken out at the place kept open for that purpose; but in no case shall any such logs, lumber or timber be taken out of such boom without first giving notice thereof to the owner or occupant of such boom.

To keep channel unobstructed.

SEC. 6. For the purpose of securing the free and unnolested navigation of the Little Wolf river, for the purpose mentioned in this act, it shall not be lawful for any person to permit any lumber, logs or timber to remain at any one place in such channel below said dam on said river, more than twenty-four hours, or to erect or maintain a stationary boom or other obstruction in the channel of the Big Wolf river, within eighty rods of the place where the Little Wolf river enters into the same.

Benefits granted to corporator.

SEC. 7. The benefits of this act are granted to Benjamin F. Phillips, his associates, heirs and assigns and successors, the said Phillips being the successor of Robert Grignon, who had a right to maintain a dam at the point above named across the Little Wolf river, by virtue of article nine (9) of the treaty made with the Menominee Indians on the 18th day of October, 1848.

SEC. 8. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 361.

Act to change the name of the village of Grafton in the county of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. All of that part of the town of Grafton, in the county of Ozaukee, heretofore laid out, platted and recorded as the village of Grafton, is hereby changed

in name; and shall hereafter be known and designated as the village of Manchester; and all and every portion of said town heretofore laid out, surveyed and platted as an addition to said village of Grafton, shall be hereafter known, designated and called an addition to the village of Manchester.

Approved March 7, 1857.

Chapter 362.

An Act to change the name of a village therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed. SECTION 1. The name of the village of Wisconsin, in the county of Columbia, is hereby changed to Newport, and it shall hereafter be known in law and otherwise by said name.

Repealed. SEC. 2. All acts contravening the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 363.

An Act for the relief of Jackson County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Duty of town treasurer. SECTION 1. The town treasurer in the town of Bristol, in Jackson county, is hereby required to collect and pay over to the county treasurer of Jackson county, all moneys that has or may come into his hands as such town treasurer, and also to make return of the

delinquent tax-list of said town of Bristol to said treasurer of Jackson county.

SEC. 2. The county treasurer of La Crosse is hereby required to deliver to the treasurer of Jackson county, the official bond of the said treasurer of the town of Bristol. County treasurer.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 364.

An Act to incorporate the Wisconsin Windmill, Pump and Engine Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John M. May, Farnham P. Huntington and James C. May, together with such other persons as may become associated with them under this charter, and their successors and assigns, are hereby constituted a body corporate by the name and style of the Wisconsin Windmill, Pump and Engine Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in all courts of law and equity, in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and break and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any real estate or personal property for the use and benefit of said corporation. Corporators. Style. Power.

SEC. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company shall direct. Capital stock.

SEC. 3. Said company shall have power to manufacture windmills, pumps, steam engines, fire engines, and such other mills, engines and machinery as they may Powers.

deem proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by wind, steam, water, or other power, on any lands in the city of Janesville which may hereafter be owned by said company; may in their corporate name make and execute, to any person or persons or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company, in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons or body corporate; all of which said company is authorized to do, any law of this State to the contrary notwithstanding.

Management by directors—election of same.

SEC. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three, nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders, at such time and place as shall be directed by the by-laws of the corporation; each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority of the votes cast shall be directors; and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the said corporation; the number of members, and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

President—duties, by-laws, &c.

SEC. 5. The said directors shall annually after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting, the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by-laws, rules, and regulations, respecting the management of the property, concerns, business and stock of said corporation, as they may deem expedient and proper; all meetings for the transaction of business for the corporation, shall be held at their office, which shall be located in the city of Janesville, and the manner and times for calling meetings, shall be prescribed by the by-laws of said company; the directors shall have

power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure and fix the compensation of, and define the duties of all officers; they shall have the power to decide the time, manner and proportions in which stockholders shall pay the money due, (or an equivalent therefor) on their respective shares, and make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall have power to appoint a time certain, each year, for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders of not less than thirty days before such election; *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon like notice being given to the stockholders and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Other officers —duties and compensation.

Proviso.

SEC. 6. Books for subscription to the capital stock of said company, shall be opened at the Ogden House in the city of Janesville, on the first Monday of June next, under the inspection of the said John M. May, Farnham P. Huntington and James C. May, or any two of them, who may keep said books open from day to day, until at least twenty thousand dollars of said stock is subscribed for, when the said John M. May, Farnham P. Huntington and James C. May, or any two of them, may deliver to such subscribers said books, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors, when so elected, shall, at their first meeting, determine the amount of capital of said corporation, which shall in no case exceed one hundred any fifty thousand dollars; and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-thirds vote of the said directors, at a regular meeting thereof, to any amount not in the whole exceeding the said sum of one hundred and fifty thousand dollars.

Books of subscription—when and where opened, &c.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 365.

An Act to amend an act entitled "An Act to incorporate the city of Portage," approved March 10, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Annual tax to discharge debts.

SECTION 1. For the discharge of any debt against the city of Portage, or expenditures authorized by the common council of said city and the provisions of its charter, or ordinance of said city, or to defray the current expenses of said city, the common council shall have power to levy and collect, annually, a tax on all real and personal property, or capital of any kind, within said city, subject to taxation by the laws for levying the taxes of this State, for the time being; *Provided*, That the whole amount of said annual taxes shall not exceed ten mills on a dollar of the assessed valuation of said property; *And, provided further*, That nothing herein contained shall prevent the levying and collection of special taxes as specified in section thirty-five of the act incorporating said city.

Provisos.

Require officers to give bonds.

SEC. 2. The common council of said city shall have power to require all officers that may be appointed under section twenty-four of the act to which this is amendatory, to give bonds to said city, in such penalties as said common council may direct, with condition to render accounts to said mayor and common council, whenever required by law, or by the ordinances of said city, or by vote of said council; to safely keep and account for and deliver over, when lawfully required, all property of said city that may come into their hands, and to use, disburse and pay over, as required by law or the ordinances of said city, all moneys that may come into their possession as such officers, and to faithfully discharge the duties of their said offices; which bonds shall be approved by said common council, and filed with the clerk of said city.

Annexed to city.

SEC. 3. So much of the north half of section seven, (7), in township twelve, (12), north of range nine (9) east, as lies south of the Wisconsin river, and also the islands of said river, lying in sections seven (7) and

ght (8) of said township and range, and all being Columbia county, are hereby attached to and shall reafter form a part of said city of Portage.
Approved March 7, 1857.

Chapter 366.

Act to incorporate the Catholic Benevolent Society of the City of Portage.

e people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. M. R. Keegan, James O'Rielly, James llins and Edward O'Keefe, and their associates, who ve united themselves into an association for the pur- e of affording relief to their members in sickness or tress, by contributing the expenses for burying their d, and by furnishing aid to their widows and or- ns, and for other benevolent purposes, are hereby lared and constituted a body corporate and politic, the name of the Catholic Benevolent Society of City of Portage. Corporators. Style.

SEC. 2. The said corporation shall have power to tract and be contracted with, to sue and be sued, to lead and be impleaded with, answer and be answer- nto, in all the courts of this State, and shall be ed with the powers and privileges necessary to carry and fulfil the objects of this corporation. Power.

SEC. 3. The said corporation shall further have pow- o establish for its government a constitution and aws not inconsistent with the constitution and s of this State; to have and to use a common seal, to alter the same at pleasure; and to take by gift, st or devise; and to hold and convey real and per- al property not exceeding in value fifteen thousand ars. Further power

SEC. 4. The members of this association shall have er to assemble at such times and places as may be ed upon; and they shall elect any number of dis- t persons of their association, not less than three more than nine in number, as trustees to take Elect trustees.

charge of the real and personal property belonging thereto, and to transact all business relative to the investment and disposal thereof.

Other officers —prescribe their duties, &c.

SEC. 5. It shall be lawful for said association to elect such other officers as the condition and circumstances of the corporation may require, and to prescribe their powers and duties, and require bonds for the faithful performance thereof, in such penal sum, and with such sureties as they may choose, and also to prescribe their term of office; *Provided, however*, That the said trustees shall hold their offices for one year, and until others are elected.

Proviso.

Property— how applied, &c.

SEC. 6. The property, real and personal, of said corporation, shall be devoted solely to the purposes and objects of said association; and all real and personal estate which may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said association, shall descend, with improvements, in perpetual succession, and shall be held by said trustees and their successors in office, in trust for said corporation.

SEC. 7. This act may be altered or amended by any future legislature.

Approved March 7, 1857.

Chapter 367.

AN ACT to amend an act "entitled an act to incorporate the village of Port Washington, approved July 20, 1848."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. That all after the enacting clause of said act, is hereby repealed, and the following substituted for and in place thereof.

Limits and boundaries.

SEC. 2. The inhabitants of the district of country included within the following limits and boundaries in township number eleven, range number twenty-two, (22) east, in the county of Ozaukee, to wit: All of fractional section number twenty-eight, (28,) and the south fractional half of fractional section number

twenty-two, (22,) and south half of section number twenty-one, (21,) and the south east quarter of section number twenty, (20,) and east half of section number twenty-nine, (29,) and north fractional half of fractional section number thirty-three, (33,) are hereby created a body corporate and politic; by the name and style of the "President and Directors of the village of Port Washington;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and shall have a common seal, and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation. Style.

SEC. 3. The government of said corporation, and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns, shall be vested in a president and four trustees, and such other officers as are hereinafter provided for. Management.

SEC. 4. The elective officers of said corporation shall be one president, four trustees, one marshal, one treasurer, and one assessor, to be elected by the qualified voters thereof, at the annual election of said corporation, to be held on the first Tuesday of May in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified. Elective officers.

SEC. 5. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the village twenty days next preceding the election at which he may offer his vote, shall be entitled to vote for any officer required to be elected by this act; and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by any elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to Qualified electors. Challenge.

take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath, knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Penalty for illegal voting.

Officers to be voted for.

SEC. 6. At the first and every subsequent election, the electors shall vote for one president, four trustees, one marshal, one treasurer, and one assessor.

To give notice of elections and appoint officers of same

SEC. 7. The president and trustees of said village shall, at least twenty days previous to the election of officers under this charter in said village, appoint the places of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments ten days previous to such election, by publishing the same in a newspaper printed in said village; and it shall be the duty of the president and trustees to provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

Determine who is elected.

SEC. 8. The president and trustees shall determine who shall have been duly elected, and the new president may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the direction of the president and trustees.

In case a tie.

Duty of president.

SEC. 9. The president shall preside at all meetings of the trustees, keep the seal of the said corporation, sign all commissions, licenses and permits which may be granted by the trustees; he shall maintain peace and

good order, and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with justices of the peace of the county of Ozaukee, of all cases for the violation of any ordinance of said village, and when presiding at the meeting of the trustees, he shall have a casting vote when the votes of the members are equal.

Meetings.

SEC. 10. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public, shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Peace officers.

SEC. 11. The president, each and every trustee, marshal, each and every justice of the peace and constable of the town shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village within the limits thereof, and for such purposes may command the assistance of all by-standers, and if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided.

Marshal—power and duty.

SEC. 12. The marshal [shall] possess all the powers, and enjoy all the rights of a constable in the town of Port Washington, and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the State of Wisconsin, to appre-

hend any person in the act of committing any offence against the laws of this State or the ordinances of the village, and forthwith to bring such persons before competent authority for examination, and for such services he shall receive like fees as is allowed to constables for like services. Said marshal shall execute and file with the clerk a bond for the faithful performance of his duty, to be approved by the trustees.

Treasurer—duty and power.

SEC. 13. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village; all moneys raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order, signed by the president and countersigned by the clerk by order of the trustees; such order shall specify the amount of money to be drawn and its object; he shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose, which said books [shall] at all reasonable times be open to the inspection of the electors of the village; he shall, as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office he shall hand over to his successor all moneys, books and vouchers in his possession belonging to said village; he shall, before he enters upon the duties of his office, execute to the president and trustees a bond for the faithful discharge of his duties, to be approved by the trustees, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected. The treasurer of said village shall receive, in addition to the fees already allowed him by said village charter, two and one-half per centum on all moneys received by him, and the same per centum on all moneys paid out by him in pursuance of law.

Clerk—duty and powers.

SEC. 14. The clerk shall be appointed by the trustees, shall attend the meetings of the trustees, shall per-

form such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the trustees, who shall fix his compensation therefor, not exceeding the sum allowed by law for like services.

Officers to subscribe an oath.

SEC. 15. Every officer elected in said village shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Special meetings.

SEC. 16. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called.

Vacancies—how filled.

SEC. 17. Any vacancy in the office of president, trustee, marshal, treasurer or assessor, may be filled at a special meeting, called in the manner prescribed in the preceding section.

General powers.

SEC. 18. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules or by-laws, are hereby declared to be, and to have the force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States, and of this State, and for those purposes shall have authority by ordinance or by-laws: To organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him,

Proviso.

To organize fire companies and guard against fires.

and in default of payment therefor, may recover of the said owner the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder, and other dangerous materials, to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens to enter into, at reasonable times, and examine all dwelling houses, lots yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe condition; to regulate the manner of putting up stove pipe; to prevent fires, and the use of fire-works and fire-arms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such building in the vicinity of the fire, as shall be directed by the trustees, or any four of them, who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation: to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper;

Nuisances. 2d. To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village;

Licenses. 3d. To license and regulate the sale of all intoxicating or spirituous liquors, within the limits of said corporation; and to license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, canvans, circuses or theatrical performances, under the ordinances or common law;

Gambling. 4th. To restrain and prohibit all descriptions of gambling, and fraudulent devices and practices, and all

playing of cards, dice or other games of chance, for the purpose of gambling in said village;

5th. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries, or houses of ill-fame, shows and exhibitions; Riots, &c.

6th. To direct the location and management of all slaughter houses and markets; Slaughter houses, &c.

7th. To prevent the encumbering the streets, side walks, alleys or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood, or other materials or substances whatever; Streets, &c.

8th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the village; Horse racing, &c.

9th. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the village; Cattle, swine, &c.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinances, or to impose a tax on the same; Dogs.

11th. To prevent any person from bringing, depositing or having within said village any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default, to authorize the removal thereof, by some competent officer, at the expense of such person or persons; Putrid carcasses, &c.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying ground, set apart for public use, from taxation; Boards of health, &c.

13th. To regulate the building of wharves, and provide for the security and protection of the same; Wharves, &c.

14th. To regulate the establishment of ferries, and provide for the protection of the same; Ferries, &c.

Bridges. 15th. To provide for the security and protection of bridges;

Side walks. 16th. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said village, or in any way doing any damage to such side walks;

Drunkards. 17th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same;

Police. 18th. To regulate the police of the village; to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies;

Trees, &c. 19th. To protect trees and monuments in the village;

Cleaning out river. 20th. To provide for cleaning out of Sauk river of drift wood and other obstructions, and to prevent encroachments of any kind thereon in said village; to appoint a harbor master and prescribe his duties;

Grade of streets. 21st. To establish the grade of all streets in said corporation, and to appoint a surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services.

Prescribe penalties for violation of ordinances, &c. SEC. 19. In all cases in relation to which by the provisions of this act the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Ozaukee county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer shall be under the charge of the sheriff of said county.

Suits—process may be by warrant. SEC. 20. On all suits for the violation of any ordinance of the village, the process may be by warrant; and it shall be sufficient, without setting forth the special matter, to declare generally, with reference to the ordinance under which the action is brought; the defendant may answer and give the special matter in evi-

dence, and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance.

Execution—what to contain.

SEC. 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village.

To be published.

SEC. 22. Any ordinance, regulation, rule or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village before the same shall be in force, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, rule or by-law in all courts and places.

No person an incompetent judge, &c.

SEC. 23. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

May impose penalties on vessels.

SEC. 24. The said president and trustees shall have power to pass ordinances imposing penalties against the owners and masters of vessels, on the vessels themselves for any willful and malicious injuries done by their vessel or vessels to any of the bridges or public docks, and to enforce the same in an action of debt, and by imprisonment of such owners or masters as in the case of other ordinances, and for every such injury said vessel or craft shall be liable in an action by warrant in the name of the village for all such damages and injury to be enforced according to the provisions of an act to provide for the collection of demands against boats and vessels.

Street commissioners.

SEC. 25. The trustees shall have power to appoint street commissioners, not to exceed two, on the recommendation of a majority of the trustees; to lay out, open and keep in repair, grade, pave or otherwise improve streets.

Accounts—how audited.

SEC. 26. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them at a regular or special meeting of the board, and when any such account or claim shall be so audited and allowed or disallowed, the president shall endorse thereon or annex thereto his certificate of such allowance or disallowance, which certificate, together with such account or claim and affidavit shall be placed and kept on file in the clerk's office.

Accounts to be made out in items.

SEC. 27. No such account or claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section; and the said trustees may examine the claimant on oath as to the items in such account or claim.

How not to be construed.

SEC. 28. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof; and no money shall be paid out of the village treasury, except on warrant signed by the president and countersigned by the clerk by order of the trustees, which warrant shall specify to whom and for what it is drawn, and before delivered, a memorandum of its contents shall be made by the clerk in the records of his office.

Accounts to be numbered.

SEC. 29. Every account or claim against said village presented to the trustees in any year, shall be numbered, from number one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Warrants.

SEC. 30. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant shall be entered in such records, before such warrant shall be delivered to the claimant.

Disallowing accounts.

SEC. 31. No trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any trustee sign any warrant for the payment of any such account or claim or any part thereof, shall not be payable.

Payment of claims.

SEC. 32. No such account or claim shall be paid, except by the treasurer, on the warrant of the trustee, indorsed on or annexed to the account or claim for which it shall be drawn.

Accounts paid to be filed, &c.

SEC. 33. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented herewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Relative to borrowing money and incurring debt.

SEC. 34. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf, by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said village incur any debt or liability, in any year, greater than the amount of tax allowed by this act to be raised in said village, in the year in which such debt or liability was incurred.

Improving streets, &c.

SEC. 35. Whenever a majority of all the residents in said village, owners of real estate bounding both sides of any street, or part of street, not less than sixteen rods in length, in said village, shall desire to have such street graded, paved, or otherwise improved, they may make and sign an application in writing, to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose; and the said trustees shall levy and cause to be collected such sum by tax on all the owners of real estate, on lots, on such street or part of street; said tax shall

be levied on the last assessed valuation of the said real estate and lots exclusive of improvements, respectively, as the same shall appear in the assessment roll of said village.

Improving streets, &c.

SEC. 36. When a majority of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such side walk, shall be levied as prescribed in the preceding section.

Tax for improving streets &c.

SEC. 37. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing of any side walk, they shall make out and deliver to the street commissioner, a list of persons and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the date thereof, when the persons charged with taxes in such list, may pay their taxes in labor, materials or money; and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials; *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

Proviso.

Street commissioner—duty.

SEC. 38. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement, verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also the taxes which remain unpaid, and the persons and descriptions of real estate, or lots, to which such unpaid taxes stand charged.

Duplicate assessment roll and unpaid taxes.

SEC. 39. The trustees, in making out the duplicate assessment roll of said village next thereafter, shall enter such unpaid taxes therein in a separate column with twelve per cent. interest added thereto, opposite

names of the persons and description of property
inst which the taxes so remain unpaid; and such
s shall be collected in the same manner as the ge-
il taxes of said village are collected; and when so
ected, shall be paid over to a street commissioner
the order of the trustees, to be expended on the
et or side walk for which they were originally as-
ed.

ec. 40. The trustees shall, between the first Tues- General tax.
in April, and the first Monday in May in each
, determine the amount of general tax necessary to
ssessed and collected in said village the current
. The assessor shall, within the time above limit-
ssess all property subject to taxation, and shall, on
fore the first Monday of May in each year, deliver
e board of trustees of said village a full and com-
roll thereof; which roll shall exhibit the descrip-
and value in separate columns, of the lands, lots,
ovements thereon, and all other property charge-
with tax, in the said wards respectively, together
the names of the owners thereof, so far as the
can be ascertained. The assessor shall receive
is services a compensation to be fixed by the by-
of said village, which shall not exceed the com-
ation allowed to town assessors for similar ser-

c. 41. Whenever the said assessment roll shall Notice of completion of assessment roll and of meeting to hear parties aggrieved.
been delivered to the board of trustees, as men-
d in the preceding section, such board of trustees
forthwith direct their clerk to give public notice, by
shing the same in some newspaper published in
village, of the completion of such roll by the as-
r, and shall specify in said notice the time when,
he place where, the said trustees shall meet, to hear
ils from the proceedings of such assessors; on any
appeal being made to the said trustees, they shall
power to alter and correct such assessment roll,
he said trustees shall have power to equalize the
in such assessment roll.

c. 42. When such assessment roll shall be finally When list is complete to deliver to marshal for collection.
leted, the trustees shall cause to be levied such
nt of tax as shall have been determined to be
l, and shall set opposite to each description and
tion of taxable property, the amount of tax charg-
on such property, and to each person respectively,

and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Warrant.

SEC. 43. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list, in sixty days, and pay over the same to the treasurer of said village, and make return of said warrant to the said treasurer; the trustees may renew the warrant annexed to any tax list, for thirty days, when they shall deem it necessary, but any such warrant shall be so renewed but once.

Marshal's notice.

SEC. 44. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in the newspapers published in said village that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice, and all taxes paid during said forty days shall be subject to a deduction of five per centum upon the amount paid.

When to collect by distress, &c.

SEC. 45. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, subject to the limitation hereinbefore prescribed, whenever found in said village, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Payment by marshal, of moneys collected, to treasurer,

SEC. 46. It shall be the duty of such marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village out of which he could collect the same; and if any sum be returned not

lected by him, his return shall be accompanied by
affidavit that the facts therein stated are true.

Delinquent list.

SEC. 47. In case the tax on any lot or other parcel of
d shall remain unpaid on the first day of October, it
ll be the duty of the treasurer, within ten days
reafter, to make out a general advertisement, stating
t all lots or other pieces of land, upon which the
es have not been paid, will be sold by him, at a
tain time and place therein mentioned, for the pur-
e of paying the taxes which may be assessed there-
together with all costs and other liabilities which
y accrue by advertisement and sale agreeably to the
visions of this act. Said advertisement shall be
blished three weeks successively, in the newspapers
blished in said village.

Sale of delinquent lands.

EC. 48. On the day and at the time and place men-
ed in the notice, the treasurer shall commence the
of lands and lots, and continue the same from day
lay, until so much thereof shall be sold as will pay
taxes, interest and charges due, assessed and
rged thereon, agreeably to this act, and the treas-
shall give to the purchaser or purchasers of any lot
ots of land, a certificate of the lot or lots of land pur-
sed, stating the sum paid therefor, including fees,
the time the purchaser or purchasers will be en-
d to a deed.

Treasurer to deposit with clerk all papers relative sale.

EC. 49. Said treasurer shall, immediately after the
e of any such sale of lots or lands for taxes, deposit
he office of the clerk of said village, all affidavits,
ions) [notices] and papers in relation to such tax sale,
e filed in the office of said clerk; also a statement
aining a particular description of each lot or parcel
nd so sold by him, specifying the name of the
on to whom sold, the amount for which the same
sold, and name of the owner, if known; and the
treasurer and clerk shall record such statement in
ok kept for that purpose by each of them, in their
ective offices.

Time for redemption.

EC. 50. If the person claiming the title to the lots or
els of land so sold and described in said certificate
n by the treasurer, shall not, within two years from
late thereof, pay to the treasurer for the use of the
haser, his heirs or assigns, the sum mentioned in
certificate, together with the interest thereon, at the
of twenty-five per centum per annum from the date

of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act, and any such conveyance executed by the treasurer, under his hand and the seal of said corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect, as a deed regularly acknowledged by the grantor may be given in evidence and recorded; *Provided*, That in case of assessment of taxes in gross upon any lot or piece of land, the treasurer upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land.

Proviso.

Notice of conveyance and forfeiture.

SEC. 51. In all cases, before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by correct description thereof, for three months, in some newspaper published in said village, stating that all such lots or parcels of land will be forfeited, if the taxes, interest or charges upon the same are not paid before the day mentioned in such notice.

Charges.

SEC. 52. All lots or lands which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised; and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot of land at such sale, ten cents; for certifying the amount necessary to redeem any lot or parcel of land, ten cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the persons receiving such instrument. The charge for advertising the forfeiture of each piece [or parcel] of land shall be ten cents for each lot or parcel.

Charges payable on redeeming lands

SEC. 53. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land shall pay to the treasurer the amount of tax with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchaser.

Road tax, &c.

SEC. 54. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading or improving roads, streets or alleys in said village, shall be expended within the limits of said corporation.

Street commissioner—his duty.

SEC. 55. [The] street commissioners of said village shall, under the direction of the president and trustees, superintend the grading, paving and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes; and they shall receive such compensation for their services as shall be allowed by the trustees under the provisions of this act.

Annual statement of accounts allowed, &c.

SEC. 56. Within ten days next preceding every annual election, the trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published shall embrace all accounts allowed to the time of publishing, from the time this act takes effect, and each subsequent statement shall embrace all accounts allowed to the time of publishing, from the time of publishing the last preceding statement.

Affidavit of publication, &c.

SEC. 57. The affidavit of the printer or of the foreman in his office, of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places.

In case of failure to hold election.

SEC. 58. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter, by order of the trustees of said village, of which time ten days public notice shall be given, and further if any of the duties enjoined by this act at a time herein specified by

any ordinance of said village are not then done, the trustees of said village may appoint another time upon which the said duties may be done; *Provided*, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as he would have been had not such power been conferred upon or exercised by the trustees.

Proviso.

Trustees may appoint and remove certain officers, &c.

SEC. 59. The trustees shall have power to appoint and at their pleasure to remove the following officers, to wit: One chief engineer of the fire department, two fire wardens, and as many assistant wardens as they shall from time to time deem necessary, one surveyor, one sealer of weights and measures, sextons and keepers of burial grounds, two street commissioners, and one harbor master, and prescribe their duties and fix their compensation under the provisions of *this act*, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees; *Provided*, That trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Quorum, &c.

SEC. 60. A majority of the trustees in said village shall be a quorum for the transaction of business when the president shall be present to preside, but a less number may meet and adjourn from time to time when a quorum shall be present, but shall do no other business in the absence of the president, trustees being present, one of their number may be appointed chairman *pro tem.*

Repealing clause.

SEC. 61. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 62. This act may be amended or repealed by the legislature.

Approved March 7, 1857.

Chapter 368.

An Act to authorize William H. Gleason and his associates to erect a dam and maintain a boom on Flambeau river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to maintain a dam, &c.

SECTION 1. William H. Gleason, his associates, heirs nd assigns, are hereby authorized to erect and main- ain a dam, and all necessary booms, at or near the alls on Flambeau river, in township thirty-five (35) orth, of range five (5) west of the fourth principal neridian.

How constructed.

SEC. 2. Said boom shall be so constructed as to ad- nit the free passage of logs; *Provided*, That the pro- rietor or proprietors of said boom shall not retain the ogs of other persons longer than a reasonable and suf- cient time to sort out their own logs from the rest of ie drive.

Relative to using lands not owned by them.

SEC. 3. Said William H. Gleason or his associates or gal representatives, shall not be allowed by this char- r to erect any dam, boom, or any part thereof, upon ıy lands not owned by themselves, only by and with e consent of the owners thereof.

SEC. 4. This act shall be in force from and after its ssage.

Approved March 7, 1857.

Chapter 369.

Act to amend an act entitled "an act in relation to Public Schools in the City of Racine."

e people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Specification fifth of section nine of an entitled an act in relation to public schools in the of Racine, approved April fourteenth, 1852, is

hereby so amended that where the word "twice" occurs, in said fifth specification of section nine, it shall read "three times."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 370.

An Act to Incorporate the Howard and Green Bay Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That the persons who shall become subscribers to the capital stock hereinafter named, and their assigns, are hereby constituted a corporation, by

Style.

the name of the Howard and Green Bay Railroad Company.

Capital stock.

SEC. 2. The capital stock of said company shall consist of one thousand shares of one hundred dollars each.

Commissioners to receive subscriptions.

SEC. 3. That Anson Eldred, Elisha Eldred and Ur Balcom, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and [be the] first directors of said company.

Opening books, &c.

SEC. 4. Books of subscription to said stock shall be opened at the office of Anson Eldred, in the city of Milwaukee, on the first Monday in April 1857, and shall be kept open for the space of three days, at the end of which time the books shall be closed, and the corporation organized by the election of president, vice-president, secretary and treasurer.

Officers.

SEC. 5. The officers of said company shall be president, vice-president, secretary and treasurer, to be elected by the board of directors. A board of three directors, who shall be stockholders in this company, and who after the term of office of the directors appointed by this act shall have expired, shall be elected by the stockholders of said company, at such times and places and for such term of office as shall be fixed by the by-laws of said company. At each election, each share of stock

shall be entitled to one vote, which may be cast by the stockholder in person, or by proxy in writing.

Corporate powers.

SEC. 6. Said corporation shall have the ordinary powers of corporations, and shall have in addition thereto, power and authority to construct a railroad from such point in the town of Howard, in Oconto county, to such point on Green Bay as the board of directors shall seem fit, and to operate the same, and carry freight and passengers thereon at such rates for freight and passage as may from time to time be fixed by the board of directors. And for such purpose may construct such buildings, tracks and turn-outs, and use such motive power, build such bridges, docks and wharves as shall seem fit to said board of directors. Said company shall have power to borrow money from any person or persons, body politic or corporation, at such rate of interest as may be agreed upon by the board of directors, and may execute any form of evidence of indebtedness or security therefor, and may enter into any contract for consolidating the company with any other railroad company, or for running connection with any other company, or may sell or lease any portion of the line of said railroad to any company whatsoever, and shall have power to take and hold all lands which may be acquired by purchase, or taken under and by virtue of his charter.

May enter upon land for the purpose of exploring, &c., with a view to occupancy.

SEC. 7. It shall be lawful for said company, its officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, locating or determining the route of their railroad, and when the route of said railroad shall be determined by said company by resolution adopted by the board of directors, it shall be lawful for them and their agents, officers, engineers, contractors, employees and servants of said company, at any time, to enter upon, take, possess, occupy and use any lands along and including the line of said route not exceeding one hundred feet in width; and it also shall be lawful for said company, at any time, to enter upon, take, possess, occupy and use any other lands beyond the limits of one hundred feet, which the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which such lands are located, certify and declare to be necessary for the use of said company, for the purpose of erecting depot build-

ings, station houses, freight houses, warehouses, engine houses, machine shops, docks or wharves, or for buildings or fixtures of any kind, or grounds about the same for the convenient operation of the business of the road, or for making drains or giving a proper direction to water courses, or of diverting or changing the channel of water courses, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, stone or other materials for embankments, structures or superstructures necessary to or for the construction, repair or renewal of said road. The said company shall, however, at such time and in such manner as is provided in this act, be liable to pay the full value of all lands so taken, possessed, occupied and used, which value shall be ascertained in the manner hereinafter provided; and whenever the same shall have been paid, tendered or deposited as provided in this act, the title in all such lands shall become vested in said company for the purpose of said railroad; and whenever the company shall deem the same, or any part thereof, shall no longer be necessary for the purposes for which the same were taken, the said company is hereby authorized and empowered to lease or sell the same, or any part thereof.

To pay full value for lands taken.

Offer to pay for land.

SEC. 9. The said company may, after the route of said railroad shall be located and determined, offer by its agents, to pay to the owner or owners of any such lands, which by the provisions of this act the said company are authorized to enter upon, take, possess, occupy or use, or to any person claiming any interest in such lands, and if any such owner or person claiming such interest in such land, shall be a minor, *non compos mentis*, or insane, or a married woman, or under any legal disability, then to the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman, such sum for said lands as the company or its agents shall consider to be the full value of the same; and if such owner or claimant, guardian or husband shall not accept of said offer, or if, for any reason, the said company shall fail to agree with the owner or person claiming any interest in such land, then and in all such cases in which the said company shall elect

If owners and company cannot agree, commissioners to be appointed to determine value of land taken.

upon, possess, occupy or use any lands as aforesaid, for any of the purposes aforesaid, the value of said lands shall be ascertained and determined as follows, to wit: The said company may apply to the supreme court of the State in term time, or to any judge thereof in vacation, for the appointment of three commissioners to make an appraise and award of the value of each of the several pieces or parcels of land so entered upon or taken as aforesaid, for any of the purposes aforesaid, in reference to the value of which the said company shall have failed to agree with the owner or person claiming any interest in the same as aforesaid; the said company shall give notice of their application for the appointment of such commissioners, by publishing the same at least ten days before the time for hearing such application, in a newspaper published in the city of Green Bay, and upon proof of the publication of the same, the court or judge to whom the application shall be made, shall appoint three commissioner, who shall proceed to examine the premises, having first given such notice as they may deem reasonable, to such owner, guardian or husband, and at least five days personal notice to such owner, if resident in the county, and whenever it shall appear to said company or its officers, that the title of any such land is in dispute, or that several parties claim interest therein, by tax sales, or titles, incumbrances, liens or equitable claims, the said commissioners shall, upon request of said company or its officers, give such notice to all persons claiming any interest in such land, whether as owners, incumbrancers or otherwise, (and when the person to be notified has no known residence in this State, the notice may be by publication in a newspaper for such length of time as the commissioners shall deem reasonable,) and after making such examination, the said commissioners, or a majority of them, shall make an appraisement and award of the value of the land so entered upon, taken, possessed, occupied or used by said company for any of the purposes aforesaid, at the time when the same was so entered upon and taken, whether such time was before or subsequent to the passage of this act, and shall deliver one copy of their award in each case, to the said company, and shall file the same in the office of the clerk of the circuit court of

To give notice for appointment of commissioners—duty of same.

Award.

the county in which such lands shall lie, with the costs of the award taxed upon each of said copies, and if neither party shall appeal from said award in the manner hereinafter provided, the said circuit court, on motion of the party in favor of whom any award shall be made for such value as aforesaid, unless such award shall have been previously paid, shall enter up judgment in conformity with such award; and in case either of the said commissioners shall die, resign or decline to act, the said supreme court or judge, shall appoint another commissioner in his stead, and the said company, or any party so receiving notice from said commissioners as aforesaid, may, within thirty days after such award shall have been filed with the clerk as aforesaid, appeal from the same to the circuit court for the county in which such lands shall lie, by filing with the clerk of said court a written notice of such appeal, and upon receiving such notice, the said clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners and person or persons claiming any interest in said land, embracing all persons so having received such notice from the said commissioners, as plaintiffs, and the said company as defendants, and the said court shall proceed to hear and determine such case in the same manner that other cases shall be heard and determined in said court; and all issues of fact arising therein, shall be tried by a jury unless a jury be expressly waived by both parties; but the appellant shall not be entitled to have the case tried at any term of said court unless he shall have given notice to the appellee or his attorney, at least ten days before the first day of the term, that he will demand a trial at such term, but in case the appellee has no known residence in this State, or attorney of record residing in the State, no such notice need be given, but in all cases the appellee may waive such notice, in which case the same rule for trial shall be applicable to it as to other cases in said court. After the hearing of said case, the jury, or if a jury be waived, the court shall assess the value of the land so entered upon, taken, possessed, occupied and used by said company at the time when the same was so entered upon and taken, and after such assessment, the court shall proceed to render judgment against said company for the amount of such assessment, in favor

Vacancy.

Appeal.

Issues of fact to be tried by a jury.

Judgment.

of the plaintiff or plaintiffs in such case, and if the amount assessed in favor of said plaintiff or plaintiffs shall exceed the amount awarded by said commissioners, (with interest at the rate of twelve per centum per annum, from the time of such award, to the time of such assessment by the jury or court,) then judgment shall be rendered against said company for costs, and when the appeal shall be taken by the claimant, if it shall not exceed said amount, (and interest as aforesaid,) then judgment shall be rendered in favor of said company for costs, and against the said plaintiff or plaintiffs, and execution may issue accordingly; either party shall be entitled to a change of venue for the trial of the said cause on affidavit filed, stating the belief of the affiant that a fair trial cannot otherwise be had; the change of venue shall be to the nearest county where a fair trial can be had; the judgment of the circuit court in any such case, may be reviewed on writ of error as other cases at law; whenever the commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, and whenever in case of an appeal a final judgment shall be rendered, it shall be the duty of the company, and not before, to pay to the party entitled to the same, [the] amount of such award or judgment; and in any case in which there shall be any lien, incumbrance, tax sale, tax title or equitable claim to or upon the land, or any part thereof, which is the subject matter of such award or judgment, or when more than one person shall be entitled to or set up any claim to the amount of such award or judgment, or any part of it, or when the person entitled to receive the same shall not have any known residence within the State, the said company may deposit the amount of such award, where there is no appeal, with the clerk of the circuit court with whom the award in the case shall have been filed; and in case of an appeal and judgment thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered, and the money so deposited, in either case, shall be paid over by order of the court, to the person or persons who shall be adjudged by said court to be entitled to receive the same; and whenever the amount of such award or judgment shall have been paid or tendered, or deposited as aforesaid, an absolute

Either party entitled to a change of venue.

Final judgment.

In case there is a lien, &c., on land, company to deposit award with clerk of circuit court.

When award or judgment has been paid or tendered,

title to vest in company.

estate in fee simple in such lands, shall become vested in the said company, as against all persons so receiving notice from the said commissioners as aforesaid, and all such persons so having received such notice, shall be forever concluded from questioning such title so acquired by the said company; and the said company shall have full power and authority, after entering upon and taking any such lands, to have, hold, possess, occupy, use and enjoy the same for any of the lawful purposes of the said company, from the time of such entry and taking, until the proceedings contemplated by this act shall have been finally determined, and until said company shall have refused, after demand made to pay the value of said land so to be ascertained as aforesaid, and they shall not, during such time, nor until such refusal, be disturbed in such possession or occupancy, use or enjoyment, by any proceeding either in law or equity.

May receive estate on payment of stock.

Proviso.

SEC. 10. The said company may receive, take, and hold in payment for the stock of said company, any land or other estate, either real, personal or mixed, and may sell or lease the same; *Provided*, That all real and personal property belonging to said railroad company shall be liable to taxation the same as other property in this State, except the railway track, rolling stock, depot grounds and buildings, and such fixtures and machinery as may be necessary for the construction or operation of said railroad, which property shall be taxed in the same manner as that of other railroads in this State.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 371.

An Act to incorporate the Wautoma Union School.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Changed to a union district.

SECTION 1. That the school district now known as joint school district number one, in the town of Wa-

oma and Dakota, in the county of Waushara, be and he same is hereby formed into a union district, to be called the Wautoma Union School, and shall consist of he following territory; the north-west quarter of section one, and the north half of sections two, three and four, lying in said town of Dakota, being township eighteen north, of range ten east; and also sections twenty-eight, thirty-three, thirty-four, thirty-five and he south half of section twenty-six and twenty-seven, lying in said town of Wautoma, being township nineteen north, of range ten east; *Provided*, That the school superintendents of such towns may alter the boundaries of said district in the manner provided by law for the alteration of school districts.

Territory comprising same.

Proviso.

SEC. 2. The Wautoma union school shall, when lawfully organized, be a corporate body, with perpetual succession, and shall possess all the powers, and receive all the benefits, and enjoy all the rights and privileges conferred by law upon common school districts, and in addition thereto, the qualified voters at their next annual meeting shall have the power to elect by ballot, three directors, one clerk, and one treasurer, who shall constitute the board of said district, and thereafter annually to elect one director, clerk and treasurer, and to fill any vacancy that may occur in said board.

A corporate body, with corporate powers.

SEC. 3. Within five days after the first election, the directors of said school district shall meet at the school house in said district and divide themselves by lot into three classes; the term of office of the first class shall be one year; that of the second class two years; and that of the third class three years from and after the last Monday in September, A. D., 1857.

First meeting; division of directors into classes.

SEC. 4. The qualified voters may at any annual meeting of the district, authorize the school board to borrow upon the faith and credit thereof, such sums of money, not exceeding two thousand dollars, upon such terms and for such length of time as the said board may determine, and to renew such loan from time to time and to issue the bonds or other obligations of the said district therefor.

Qualified voters may authorise the borrowing of money.

SEC. 5. Said board of education shall have power to allow the children of persons not resident within the said school district to attend the schools in said district upon such terms as said board shall by resolution prescribe, fixing the tuition that shall be paid therefor.

Children outside of district may attend.

Contracts.

SEC. 6. All contracts shall be in the name of the Wautoma union school, and to be binding or valid, shall be signed by a majority of the school board: orders on the treasurer shall be signed by the clerk and two directors.

SEC. 7. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 372.

An Act to amend an act consolidating the several acts relating to the city of Janesville, approved March 31, 1856, and the several acts amendatory thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. Free bridges.

SECTION 1. The common council of the city of Janesville shall have power, and is hereby authorized to construct and maintain free bridges at such points as may be designated by said council, over Rock river, within the limits of the city of Janesville.

Rock river public highway.

SEC. 2. The Rock river, within the limits of said city, is hereby declared to be a public highway, and the common council of said city of Janesville shall have the power and is hereby authorized to fix and establish the boundary of said stream, by survey or otherwise, and generally to exercise the same powers over said river within the limits of said city, as they now do over streets and highways in said city; *Provided*, That nothing in this act shall be construed so as to give said city of Janesville the right to obstruct the navigation of said river.

Proviso.

Repealing clause.

SEC. 3. Section fifteen of an act approved February 1857, entitled "An act to amend an act consolidating the several acts relating to the city of Janesville," approved March 31st, 1856, and all that part of section three of an amendatory act relating to the city of Janesville, approved March 2d, 1857, contained in the proviso in said section, and all other laws and parts

laws in any manner contravening the provisions of this act, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 373.

An Act to incorporate the Ripon and Menasha Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. G. N. Lyman, John R. Sumner, W. P. McAllister, C. R. Hamlin, George Bell, B. S. Heath, Harrison Reed, George Barnum and John A. Bryan, their successors and associates, to be determined as hereinafter provided, are hereby made, constituted, appointed and declared to be a body politic and corporate, by the name and style of the Ripon and Menasha railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the duties and things which to any corporation it lawfully appertains to do and perform. Corporators. Style. Capabilities.

SEC. 2, The capital stock of said company shall be divided into such number of shares of one hundred dollars each, as the directors [shall] from time to time determine; and the directors shall cause books to be opened at such times and places as they may designate, receive subscriptions to the capital stock of said company, under the direction of some one or more of Capital stock.

them, or under the direction of such person or persons, as they may designate, giving at least ten days notice of such times and places, by publishing the same in a newspaper published in the county of Winnebago, and shall require three dollars on each share of stock subscribed to be paid at the time of subscribing.

First directors —their duty.

SEC. 3. G. N. Lyman, John R. Sumner, W. P. McAllister, C. R. Hamlin, Geo. Bell, B. S. Heath, Harrison Reed, Geo. Barnum and John A. Bryan shall be the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors, elected by the stockholders as hereinafter provided; and as soon as two hundred shares of the capital stock of said company shall be subscribed, and three dollars on each share actually paid in, the said directors shall close the books of subscription, and receive no more subscriptions until after the election of directors by the stockholders; and they shall immediately give not less than thirty days notice, in a newspaper aforesaid, of an election of nine directors by the stohkholders, at some time and place to be designated by them, and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Management.

SEC. 4. All affairs of the said corporation shall be managed by a board of nine directors, who shall be stockholders, and the board of directors is hereby invested with all the power of the corporation; they shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. The directors shall be elected by the stockholders, and at such election, and at all meetings of the stockholders, the votes shall be delivered in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each share of stock by him held, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by

the by-laws of the company. If for any cause, an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be held at any other time, on thirty days notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by reason of irregularity or want of any such election.

Quorum, meetings, president, &c.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall appoint one of their own number to be president, who shall serve for one year or until other directors are elected. The president, when present, shall preside at all meetings of the directors and stockholders, and in case of his absence, the directors present may appoint a president *pro tem.* The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books, under their own direction, or the direction of any one or more of them, (or under the direction of any one or more of them, or under the direction of any one or more of them,) or under the direction of such person or persons as they may designate; to determine the amount of installments to be paid from time to time on such subscriptions, and to forfeit to the use of the company the share or shares of any persons failing to pay any installments, as also all previous payments thereon; and also, in their discretion, on the request of any stockholder, to cancel his stock, and to refund to such stockholder the amount paid by him, or any part of it. The directors shall have power to regulate tolls and charges for the transportation of freight and passengers, and to make such covenants, contracts and agreements with any person or persons, copartnership or corporation whatever, as the execution and management of the

Other officers.

May re-open books.

Installments and forfeit of shares, &c.

Tolls, contracts, leasing road, &c.

works and the convenience and interests of the company may require; to make any contract or agreement which they may think proper with any other railroad company, for the leasing of the whole or any part of any railroad constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company; to make and establish such by-laws, rules and regulations and orders, not inconsistent with the constitution or laws of this State, as they shall think proper for the well ordering of the affairs of the said company, and the same from time to time to alter, amend or repeal, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

Stock deemed personal property.

SEC. 6. All shares of stock in this company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form, at such place, and under such regulations as shall be prescribed by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be called by an order of the board of directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings of the stockholders, specifying the object of the meeting.

Route.

SEC. 8. The said company is hereby authorized to construct a railroad from any point in the town of Ripon, in the county of Fond du Lac, via of Omro, and Winneconne, to any point in the towns of Neenah or Menasha, in Winnebago county; and said company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and to make and construct all such turn-outs, side tracks and connecting tracks, as they shall think will promote the interests of the company, and to erect, construct and use all such depots, station houses, warehouses, car houses and shops, engine houses and shops, and all other fixtures useful for the accommodation of said company, and its road, and those using it; to manufacture or purchase and own all necessary engines, tenders, cars and other conveniencies for running said railroad; and they shall have power to connect the said road with any other road in this State, and to operate the same in connec-

Transportation.

Warehouses, &c.

Manufacture of engines, &c.

ion with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon by and between the said companies, or in any other manner.

Authorized to borrow money and execute necessary notes, &c.

Sec. 6. The said company are hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages or other papers and securities, in such sum or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities that may accrue in the construction, repair, equipment or running of said road; and to make, execute, sell and deliver, at private or public sale in or out of this State, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of the said corporation for the purpose aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Mortgage.

May construct road across highway, &c.

Sec. 7. The said company shall have the right and authority to construct their said railroad upon and across, across, under or over any public or private highway, road, street, plankroad or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plankroad or railroad, to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to the said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any

stream of water or water course, at such points of crossing(s) the same, as they may locate the said road, with all necessary abuttments, piers or other foundations.

May enter on any land for certain purposes.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the route of said road shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take possession of, and use any such land, not exceeding one hundred feet in width along the line of said route, and also such lands adjacent to the line of said road, beyond the said limits of one hundred feet, as the chief engineer of said company shall, in writing, to be signed by him and recorded in the office of the register of deeds of the county in which said lands are located, decide and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same for the operation and business of said road, or for making drains, and giving a proper direction to water courses, or of diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, timber, stone or other materials for embankments, structures or superstructures necessary for the construction or repair of said road; subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same, or any part thereof, shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same, or any part thereof, in fee simple.

To compensate for same.

SEC. 12. The said company shall, if possible, agree with the owner or owners of any and all lands upon which by the provisions of this act they are authorized, after the route of the railroad shall be determined, to enter, and which they are authorized to take possession of and use, and which, according to the aforesaid provisions shall vest in said company in fee simple, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if such owner or the person or persons owning or possessing such legal or equitable title, lien or incumbrance, shall be a minor, *non compos mentis*, insane, or married woman, or under any legal disability, then with the guardian of such minor, *non compos mentis*, or insane person, or husband of such married woman; and if said company shall, by its agent, offer to pay to such owner, guardian or husband, if resident of the county in which such lands shall be, or if not such resident, to their agent, if any, in such county, such sum as the company deems reasonable, and if such offer of compensation shall be decided by three commissioners, as follows, viz: The said company may apply to the judge of the circuit court for the third judicial circuit, either in term time or in vacation, or to any court commissioner in said circuit, for the appointment of three commissioners to decide upon the amount of compensation to be paid to the several parties with whom the said company shall have been unable to agree as aforesaid; they shall give notice of their application for the appointment of such commissioners, by publishing the same three weeks successively in a newspaper printed in the county through which said road shall run, and which notice having been duly published, the said judge or court commissioner shall appoint three commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, if resident of the county in which such lands shall lie, and having first determined that it was necessary to take said lands, shall make an award of the amount of compensation which shall be paid by said company for the land so taken for any of the purposes aforesaid, and shall, within twenty days after making their award, deliver one copy of their award to the said

When company and owners cannot agree as to compensation, commissioners to be appointed to make appraisal.

Application for appointment of commissioners and their duty.

Award.

company, and another copy to such owner, guardian or husband, if resident of the county in which such land shall lie, and if not, shall, within the said twenty days, deposit the same in the office of the clerk of the circuit court of such county, with the costs of the award taxed upon each of said copies; and if the amount awarded by said commissioners shall be more than the said company had previously offered to pay, then said company shall pay the costs of said award, and if it shall not be more, then the other party shall pay such costs; and either party may, within ten days after such award shall be delivered or filed as aforesaid, appeal from the same to the circuit court for the county in which said land shall lie, by giving written notice of such appeal to some one of the commissioners, and upon receiving such notice of appeal, it shall be the duty of the commissioners to certify to said court a true copy of said award, and upon receiving the same, the said court shall enter the same as a case upon its docket, under the same rules as other cases are entered on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to the claimant for the taking and using of the said land, and the court shall thereupon proceed to render judgment in favor of such claimant, and against said company for the amount of such compensation, and if the amount so found in favor of such claimant shall exceed the amount found by said commissioners, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said commissioners, then judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation, so to be ascertained according to the provisions of this section, shall be paid or tendered to such party entitled to the same, or his agent, or in case there is a lien or encumbrance on the same, deposited with the clerk of the circuit court of the county in which the land shall lie, to be disposed of by order of the judge of said court, the title to said land so taken for any of the purposes aforesaid shall vest in said company in fee simple; and a copy of such award or judgment, filed in the office of the register of deeds of the county in which such lands lie, shall be

Costs.

Appeal.

Judgment by court.

Costs.

Filing award or judgment, evidence.

cient evidence of such title, and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings are pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either in law or in equity; and said company shall not be liable to pay such compensation until the same shall be demanded at their office.

No person incompetent witness.

SEC. 13. No person shall be incompetent to be a witness or give testimony in any suit or proceeding at law or in equity in which the said railroad company shall be a party, nor shall any person be disqualified from discharging the duties of a judge, justice of the peace, or juror in any such suit or proceeding, for the reason that such person is a stockholder in said company.

When to demand money for transportation.

SEC. 14. On the completion of said railroad, or any section of the track not less than three miles, it shall and may be lawful for the company to demand and receive such sums of money for the transportation of persons or property and the storage of property, as they shall from time to time think reasonable.

Injury to road, &c., how punished.

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue, an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

To erect fences through inclosed grounds.

SEC. 16. Said company, before opening their road through inclosed ground, shall erect such fences as shall preserve such inclosure entire, and shall, before

they commence to use their road as a railroad, erect a good and sufficient fence on both sides of said road through all such enclosed grounds, and shall maintain the same.

First meeting of directors.

SEC. 17. The first meeting of the directors and of the stockholders of the said company, shall be called by at least a majority of the directors named in this act; a concurrence of a majority of the directors shall be necessary in order to adopt, establish, alter, modify, amend, rescind or abolish any one regulation or by-law of said company.

When privileges cease.

SEC. 18. All rights, privileges and immunities herein granted to said company, shall cease and terminate at the expiration of five years from the passage of this act, unless said company shall have commenced the construction of said railroad by that time.

Public act.

SEC. 19. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases; and this act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 374.

An Act to authorize the collection of taxes in the town of Willow Springs, in the county of La Fayette, for the year 1848.

Preamble.

Whereas, The taxes levied and extended on the assessment roll of the town of Willow Springs, in the county of La Fayette, for the year one thousand eight hundred and forty-nine, remain unpaid, or a great part thereof, and the assessment roll has been returned to the county treasurer of said county of La Fayette, but in such manner that doubts have arisen as to the legal propriety of collecting said taxes by advertisement and sale, by the said county treasurer, as on other delinquent lists; therefore, in order to remove all difficulties and doubts, and to enable the tax payers of said

town of Willow Springs to pay a reasonable tax for the said year, 1849,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Additional duties of clerk.

SECTION 1. That when the assessment roll of said town of Willow Springs for the present year, (1857,) is equalized by the board of supervisors of said county of La Fayette, the clerk of said board shall, in addition to his other duties, note on said roll, the property, real and personal, on which taxes were paid in said town for the said year one thousand eight hundred and forty-nine, either to the town treasurer of said town as collector, or to the said county treasurer, as the same appears on the said assessment roll for said year, returned as aforesaid to said county treasurer. And the said clerk shall deliver the same as now required by law, to the supervisor of the said town of Willow Springs, who shall deliver the same to the clerk of said town, and the said town clerk shall in addition to the duties now required of him by law, after calculating and carrying out the total amount of State, county, school, town and other local taxes, and adding the five per cent. for collection, add a like amount of each specific tax and the said five per cent. in every instance, where it does not appear from the roll, that the taxes for the said year one thousand eight hundred and forty-nine, have been paid.

Clerk to deliver assessment roll to treasurer.

SEC. 2. That a fair copy of such assessment roll thus prepared, shall be delivered as now required by law, by said town clerk to the treasurer of said town, with the warrant annexed as also provided by law. And the said treasurer shall proceed in the manner and within the time now prescribed by law to collect the specific taxes calculated and carried out on said roll, and the said five per cent. for collection. Whenever the said treasurer shall collect the single amount, and the like amount added as aforesaid, he shall specify in his receipt that the amount received is for the taxes of the years 1849 and 1857.

Upon evidence that tax has been paid, treasurer to note same.

SEC. 3. If it shall appear to the said town treasurer, by receipt or other satisfactory evidence, that the taxes for the said year 1849, on any property real or personal assessed on said roll, and which has not been noted as

paid by the said clerk of the board of supervisors of said county as hereinbefore directed, the treasurer shall not collect the said amount added as the taxes of the said year 1849, but shall note the fact on said roll, and shall not be responsible therefor to the town or county.

Retain town taxes.

SEC. 4. The said town treasurer shall retain the town taxes, and may pay over to the county treasurer, the taxes collected by him under the provisions of this act for the said year 1849 as now required by law, in relation to the collection, retaining and paying over taxes by town treasurers.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1857.

Chapter 376.

An Act to incorporate the Bristol Flouring Mill Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. H. S. Faunce, Truman Hewitt, Baxter B. Cobb, J. S. Lincoln, R. D. Freeman, F. W. Dustan, Moses Chase, John Ingalls, Abram Rood, Alonzo Chipman, Lafayette Stowe and Jacob M. Haner, and their associates, are hereby declared and constituted a body corporate by the name and style of the Bristol Flouring Mill Company, to be located in the town of Bristol, Dane county.

Style.

Corporate powers.

SEC. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; it shall have a common seal and may alter or renew the same at pleasure; receive, possess, hold and enjoy property, personal and real, to the amount of ten thousand dollars; and to sell and convey, rent, or otherwise lawfully dispose of the same at pleasure.

Stock.

SEC. 3. The stock of said corporation shall be divided into shares of fifty dollars each, which shall

transferable on the books of the corporation, in such manner as shall be prescribed by the by-laws.

Management.

SEC. 4. The business matters of the said corporation shall be managed by a board of seven trustees, a majority of whom shall constitute a quorum; said trustees shall be elected on the second Monday of April next, at one o'clock in the afternoon, at a meeting of the stockholders, to be holden at the Bristol House, in the town of Bristol, Dane county, and shall hold their offices for the term of one year, and until their successors are duly elected. Each stockholder shall be entitled to one vote for each share by him owned. After the first election there shall be an annual meeting of the stockholders for the election of trustees on the second Monday of April in each year, at such place in said town as shall be designated by the trustees.

Trustees—when to be elected.

Annual meetings.

SEC. 5. The trustees shall have power to elect a president, secretary and treasurer, from their number; to fill vacancies in the board of trustees; to sell, lease, mortgage, or otherwise dispose of, any real estate or personal property of said corporation, in such manner as they shall deem most conducive to the interest of said corporation, and to make all rules, regulations and by-laws necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State.

President and other officers.

Approved March 7, 1857.

Chapter 376.

AN ACT to incorporate the city of Sheboygan and the several acts amendatory thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All taxes hereafter levied by the common council of the city of Sheboygan, for the [amount] (payment) of principal or interest of any bonds issued or to be issued by said city, to aid in the construction of any

Special taxes—how levied.

railroad, plankroad, or for the improvement of the harbor at the mouth of the Sheboygan river, shall be levied by said council on the real estate of said city exclusively.

Repealed. SEC. 2. All acts or parts of acts that conflict with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 377.

An Act to provide for laying out a State Road from Green Bay City in Brown county, to Ahnepee, in Kewaunee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route. SECTION 1. That J. V. Suydam, Edward Decker and _____ Elliott, be and they are hereby appointed commissioners to lay out and establish a State road, commencing at Green Bay, in Brown county, and running thence easterly, by the way of New Franklin and Casco, to Ahnepee, in Kewaunee county.

Compensation SEC. 2. The said commissioners shall be entitled to such compensation for laying out said road as the boards of supervisors of the several counties through which said road may pass may deem sufficient; *Provided*, That no compensation shall be allowed for laying said road over any road that may have been heretofore established; *And further provided*, That said road shall be laid out in accordance with the act in relation to laying out State roads, approved March 22, 1853.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 378.

An Act to alter the Village Platt of the Village of Brandon in the County of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Streets vacated, &c.

SECTION 1. The street running along the south side of lots eleven, (11,) and twelve, (12,) in block number eight, (8,) and extending from "Commercial street," to "Lockin's street," of the village of Brandon, in the county of Fond du Lac, is hereby vacated, and "Jefferson street," of said village of Brandon, is hereby extended east through lots nine, (9,) and ten, (10,) of block number eight, (8,) to "Lockin's street."

To divide by line and establish lots and blocks.

SEC. 2. That portion of said village of Brandon, heretofore occupied by the street above vacated, shall be divided by a line passing north and south through the centre thereof, and that part thereof west of said centre line shall be known as lot number three, (3,) and that part of the same east of the centre line as lot number four, (4,) which together with lots eleven, (11,) and twelve, (12,) of original block eight, (8,) shall be known as block number fifteen, (15,) of the said village of Brandon, and said lot twelve, (12,) aforesaid, shall be known hereafter as lot number one, (1,) and said lot number eleven, (11,) aforesaid, shall hereafter be known as lot number two, (2), of said block number fifteen, 15,) of said village of Brandon.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 379.

An Act to vacate a part of Marshall and Berry Streets in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To vacate certain streets.

SECTION 1. All that part of Marshall and Berry streets lying north of the north line of Berry street, and all that part of Berry street lying west of the west line of Marshall street, extending to Water street, in Hubbard and Pearson's addition, in the first ward of the city of Milwaukee aforesaid, is hereby vacated: *Provided, however*, That the common council of said city shall re-open said parts of said streets upon the petition of the owners of a majority of the lots in blocks number two, (2,) four, (4,) seven, (7,) fifteen, (15,) three (3) and eight, (8,) in said Hubbard and Pearson's addition in the first ward of the city of Milwaukee, and the present or future owner or owners of said vacated parts of streets, or the owner or owners of the lots joining said vacated parts of streets, shall forever hereafter be debarred from receiving or collecting any damages or compensation for the right of way over the territory hereby vacated, or for the re-opening of said parts of streets, should the same ever hereafter be opened or laid out into street or streets, as the same now are or were before the vacation thereof, as provided in this act.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 380.

An Act to incorporate the New Lisbon and Oshkosh Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Andrew Dunn, Amasa Wilson, Walter B. Guage, Thomas Falvey, Philetus Sawyer, N. W. Dean, Moses M. Strong, C. S. Chase, Eldad Peck, Levi Bashford and David Evans, together with the other stockholders in the company hereby incorporated, who shall become such in pursuance of the provisions of this act, are hereby constituted, made, appointed and declared to be a body politic and corporate, by the name and style of the New Lisbon and Oshkosh Railroad Company, and by that name the said corporation shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities which any corporation may or can have and enjoy; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, and may take and hold any such estates by gift, grant, purchase, devise or lease; they may make, have and use a common seal, and alter, break and renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally do and perform all the acts and things which to any corporation it shall lawfully appertain to do and perform.

Style.

Powers.

First directors

SEC. 2. Andrew Dunn, Amasa Wilson, Walter B. Guage, Thomas Falvey, Philetus Sawyer, N. W. Dean, Moses M. Strong, C. S. Chase, Eldad Peck, Levi Bashford and David Evans shall be and are hereby made, constituted, appointed and declared the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders as hereinafter provided.

Capital stock.

SEC. 3. The capital stock of said company shall be divided into such number of shares of one hundred

dollars each as the directors shall from time to time determine; and the directors named in the second section of this act shall cause books to be opened at such times and places as they may designate, to receive subscriptions to the capital stock of said company under the direction of some one or more of them, or under the direction of such person or persons as they may designate, giving at least ten days' notice of such times and places by publishing the same in some newspaper printed in each of the counties of Juneau and Winnebago, or either of them, and shall require five dollars on each share of stock subscribed, to be paid at the time of subscribing; as soon as five hundred shares of the capital stock of said company shall be subscribed, and five dollars on each share actually paid in, the said directors shall close the books of subscription and receive no more subscriptions until after the election of directors by the stockholders, and they shall immediately give notice for an election by the stockholders of seven directors, at some time and place to be designated by them, which notice shall be published in some newspaper printed in one or more of said counties of Juneau and Winnebago, at least ten days prior to the time so designated for such election; and the directors thus elected shall hold their offices until the next annual meeting of stockholders for the election of directors, and until others are elected.

Opening of books, election of directors, &c.

Management.

SEC. 4. All the affairs of said corporation shall be managed by a board of seven directors, who shall be stockholders, and the board of directors is hereby invested with all the powers of the corporation; they shall be chosen by the stockholders annually by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe; and the same notice of every such election shall be given as herein required to be given of the first election of directors, and the number of directors to be elected shall be specified in the notice of election, and the directors may at any time increase or diminish the number to be elected at any annual election so that the number shall not be more than fifteen nor less than seven. At all meetings of the stockholders the votes of stockholders may be cast in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each and every share of stock held by

Elections.

him, and in all elections for directors those stockholders equal to the number of directors to be elected having the greatest number of votes, shall be deemed and declared duly elected; the elections shall be conducted in such manner as shall be prescribed by the by-laws, or by resolution of the company. If for any cause an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at any other time, on notice being given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchises or immunities by reason of irregularity or want of any such election. In case of failure to hold election.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall prescribe. They may fill any vacancy which may occur in their own board; they shall appoint one of their own number to be president, and one vice-president, who shall serve one year or until a new election of directors. The president when present shall preside at all meetings of the directors and stockholders, and in case of his absence, the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors present may appoint a president *pro tem.*, who shall discharge the duties of president during the absence of the president and vice president. The board of directors may appoint a secretary, treasurer, chief engineer, superintendent, attorney, and such other officers and agents as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of such person or persons as they may designate; to determine the amount of the first and all other installments to be paid from time to time on stock subscriptions, and to forfeit to the use of the company, or to sell the share or shares of any person failing to pay any installment and all previous payments thereon; and also in their discretion, on the request of any stockholder, to cancel his stock, Quorum and meetings. Vacancies. President. Other officers. Re open books

with or without refunding to such stockholder the amount paid by him or any part of it. They may receive, take and hold in payment for the stock of the company, any land or other estate, either real, personal or mixed, and they may convey a fee simple or any less estate in any real estate so received, taken or held, and in any and all other estates of which they may be seized, or which they may occupy or possess, and they may also mortgage or pledge any of their estate, real, personal or mixed, in such manner and on such terms as the directors may think proper. The directors shall have power to establish and regulate their tolls and charges for the transportation of freight and passengers and the storage of freight, and to collect all such tolls and charges; and to make such covenants and agreements with any person or persons, copartnership or corporation, (whether) [whatever] as the construction and management of the road, and the convenience and interests of the company may require, to make any contract or agreement which they may think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company and to lease or sell to any other railroad company the whole or any part of the railroad of this company, and to consolidate the capital stock of this company with the capital stock of any other railroad company, on such terms as shall be agreed upon by the directors of such companies respectively, and mutual powers in this behalf are hereby conferred on all such companies. The directors shall have power and authority to make and establish such by-laws as they may think proper, respecting the property, concerns, affairs, business, stock, government and powers of said corporation, and may exercise all the powers which may be prescribed by said by-laws, and may make such other rules, regulations and orders as they may think proper, but no such by-laws, rules, regulations or orders shall be inconsistent with this act, or with the constitution or laws of this State, and they shall have power in general to superintend and direct all the operations, receipts, disbursements, and all other affairs of said company.

May take and hold estate in payment of stock.

Tolls and transportation.

May contract, lease, consolidate, &c.

Stock deemed personal property.

SEC. 6. All shares of stock in said company, owned by any person, shall be deemed personal property, and certificates for the same shall be issued in such man-

er and form as shall be prescribed by the by-laws, and
ie same shall be tranferable in the manner and form
escribed by the by-laws of said company.

Special meetings.

SEC. 7. Special meetings of the stockholders may be
lled by order of the board of directors, or by stock-
olders holding one-fourth of the capital stock, on like
otice as that required for annual meetings of the
ockholders, specifying the object of the meeting.

Route.

SEC. 8. The said company shall have power to locate
d construct and perpetually to have, use and enjoy a
lroad with one or more railways or tracks from some
int on the line of the La Crosse and Milwaukee
lroad, in the township of Lisbon, in the county of
eau, by the way of the village of Germantown,
rlin and Omro, to the city of Oshkosh, on Lake Win-
bago, as the directors shall determine, and the said
npany shall have the perpetual right, power and au-
rity to transport, take and carry property and persons
n said road, by the power and force of steam, of
mals, or any mechanical or other power, or of any
bination of them, and from time to time to receive
store any property in any of the depots, store
ses, or warehouses of said company; and to make
construct all such turn-outs, side tracks and con-
ing tracks as they shall think will promote the
ests of said company, and to erect, construct and
all such depots, station houses, ware houses, car
es and shops, engine houses and shops, and all
r fixtures useful for the accommodation of said
pany, and its road and those using it; to purchase
own rails, chains, spikes, engines, tenders, cars and
ings necessary or useful for the construction and
ation of a railroad; and they shall have power to
ect the said railroad with any other railroad in this
, and to extend their line of railroad so far as may
cessary to make such connection and to operate
ame in connection with such other railroad, by a
olidation of the stock of this railroad company
the stock of such other railroad company, upon
terms as shall be mutually agreed upon by and
en the said companies, or in any other manner.

Warehouses, Engines, &c.

May borrow money and execute necessary bonds, &c.

SEC. 9. The said company is hereby authorized and
empowered, in its corporate capacity, to borrow
um or sums of money, from any person or per-
corporation or body politic of any kind, and for

any rate of interest which may be agreed upon by and between said company and any party of whom such money may be obtained, any law on the subject of usury to the contrary notwithstanding, and to make, execute and deliver, in or out of this State, all necessary writings, notes, bonds, mortgages, or other papers and securities in amount or kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities they may incur in the construction, repair, equipment or running of said road, or in any of the operations of said company authorized by this act, and the said company is hereby authorized, in its corporate capacity, to make, execute, issue and deliver its bonds or obligations, in such an amount that all the bonds of said company outstanding at any one time will not exceed the capital stock of said company; and the directors of said company are hereby authorized and empowered to prescribe, by resolution to be by them adopted, the sum or sums for which each of said bonds shall be issued, the time or times and place or places, when and where the principal and interest of the same shall be payable, the person or persons, trustee or corporation to whom they shall be payable, and whether payable to order or to bearer, or how otherwise negociable, the rate of interest which such bonds shall bear, and the manner and form in which they and the interest coupons annexed to them shall be executed; and to secure the payment of any or all of said bonds, the said company is hereby authorized and empowered, in its corporate capacity, to make, execute and deliver a mortgage or deed of trust upon the whole or any part of its railroad, constructed or authorized to be constructed, and of any or all of its estate, real, personal or mixed, in possession or expectancy; and the said company is also hereby authorized and empowered, in and by such mortgage or deed of trust, to confer upon the trustee or mortgagee full and ample powers to enter into and upon and to take possession of, have, use and employ, or to sell and dispose of the whole or any part of said railroad or estate, real personal or mixed, togethor with the functions appertaining to said railroad, and all corporate and other franchises, rights and privileges of the said railroad company; and the directors of said company are hereby authorized and empowered to prescribe, by reso-

Denomination of bonds, where payable, &c.

Mortgage.

tion to be by them adopted, all matters relating to the form and terms of any such mortgage or deed of trust, and of its execution and delivery, and they are authorized and empowered to provide for the periodical payment to such trustee or receiver as they shall appoint, a certain sum to create a sinking fund, with which to pay off and discharge at or before maturity any or all of the bonds by them authorized to be issued, and also to provide the manner in which such trustee or receiver shall pay out or dispose of said sinking fund, and to authorize him to designate, by lot or in any other suitable manner, the bond or bonds to the payment of which said sinking fund or any part of it shall be applied; and the said railroad company is hereby fully authorized and empowered, by its agents or brokers or otherwise, either in or out of this State, to sell, loan, pledge, hypothecate, or otherwise dispose of any or all of the aforesaid bonds hereby authorized to be issued, at par or at any price less than par, and for such sum or sums, and on such terms as to the said company or its said agents or brokers shall appear most for the interest of said company; and the said company and its directors, officers and agents, are hereby authorized and empowered to have, exercise and enjoy all the rights, privileges and powers conferred upon them respectively by this section, any law of this State to the contrary notwithstanding. Sinking fund.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same shall be necessary, but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as the same can be done consistently with the rights and privileges hereby granted to said company; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abuttments, piers or other foundations. May construct road over any highway, &c.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents to enter upon any land To enter on land for certain purposes.

for the purpose of exploring, surveying, locating an determining the route of said railroad; and when th route of said railroad shall be determined by said com pany, by resolution adopted by the board of director it shall be lawful for them, their agents, officers, engi neers, contractors, employees and servants, at any tim to enter upon, take, possess, occupy and use any lan [along] and including the line of said route, not exceed ing one hundred feet in width, and it shall also b lawful for said company at any time, to enter upon take, possess, occupy and use any other lands beyon said limits of one hundred feet, which the chief engi neer of said company shall, in writing, to be signed b him and recorded in the office of the register of deed of the county in which such lands are located, certify and declare to be necessary for the use of said company for the purpose of erecting depot buildings, station houses, freight houses, ware houses, engine houses, mechanic shops or for buildings or fixtures of any kind or grounds about the same for the convenient operation of the business of the road or for making draws or giving a proper direction to water courses, or of diverting or changing the channel of water courses, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of depositing earth gravel or stone, or for the purpose of obtaining earth gravel, timber, stone or other materials, for embankments, structures, or superstructure, necessary to the construction, repair or renewal of said road. The said company shall, however, at such time and in such manner as is provided by this act, be liable to pay the full value of all land so taken, possessed, occupied and used, which value shall be ascertained in the manner hereinafter provided, and whenever the same shall have been paid, tendered or deposited as provided in this act, an absolute estate in fee simple in any and all such lands shall be and become vested in said company, and whenever the company shall deem that the same or any part thereof, shall no longer be necessary for the purposes for which the same were taken, the said company is authorized to lease or sell the same or any part thereof.

Company must compensate for land taken.

When company and owners cannot agree as to compensation, commissioners to be appointed to make award &c.

Sec. 12. The said company may, after the route of the said railroad shall be located and determined, offer, by its agent, to pay to the owner or owners of any lands which, by the provisions of this act, the said company is authorized to enter upon, take, possess, occupy or use, or to any person claiming any interest in such land, and if any such owner or person claiming any interest in such land shall be a minor, *non compos mentis*, insane, or (un)married woman, or under any legal disability, then to the guardian of such minor, *non compos mentis*, or insane person, or husband of such (un)married woman such sum for said lands as the company shall consider to be the full value of the same, and if such owner or claimant, guardian or husband shall not accept of such offer, or if for any reason the said company shall fail to agree with the owner or person claiming any interest in such land, then and in all such cases, in which the said company shall enter upon, possess, occupy or use any lands as aforesaid, for any of the purposes aforesaid, the value of said lands shall be ascertained and determined as follows, to wit: The said company may apply to the judge of the county court for the county in which the land lies, for the appointment of three commissioners to make an appraisement and award of the value of the lands, to be paid by said company to the owner of or persons claiming an interest in each of the several pieces and parcels on the whole or any part of the line of said railroad (to) [o] entered upon, taken, possessed, occupied or used as aforesaid, for any of the purposes aforesaid. The said company shall give notice of their application for the appointment of such commissioners, by publishing the same at least ten days before the time for (having) [hearing] the said application in a newspaper published in the county in which the land lies, and upon proof of the publication of the notice, the judge to whom the application shall be made shall appoint the commissioners, who shall proceed to examine the premises, having first given such notice as they may deem reasonable to such owner, guardian or husband, and whenever it shall appear to the said company or its officers, that the title to any such land is in dispute or that several parties claim interest therein by tax sales, tax titles, incumbrances, liens or equitable claims, the said commissioners shall, upon requst of said company, or its offi-

Application for appointment.

Commissioners duty.

cers, give notice to all persons claiming any interest in such land, whether as owners, incumbrancers or otherwise, and when the person to be notified has no known residence in this State, the notice may be by publication in a newspaper, for such length of time as the commissioners shall deem reasonable, and having first determined that it was necessary to take said land, shall make an appraisement and award of the value of the land so entered upon, taken, possessed, occupied or used by said company for any of the purposes aforesaid, and shall deliver one copy of their award to said company, and shall file another in the office of the clerk of the circuit court of the county in which such lands shall lie, with the costs of the award taxed upon each of said copies. And if the amount awarded by said commissioners for such value shall be more than said company had previously offered to pay, then the said commissioners shall award that said company shall pay the costs of said award; and if it shall not be more, then they shall award that the other party shall pay such costs; and if neither party shall appeal from said award in the manner hereinafter provided, the said circuit court, on motion of the party in favor of whom such an award shall be made, for such value aforesaid, or for costs, shall, unless such award shall have been previously paid, enter up judgment in conformity with such award. And the said company, or any party so receiving notice from the said commissioners as aforesaid, may, within thirty days after such award shall have been filed with the clerk as aforesaid, appeal from the same to the circuit court for the county in which such lands shall lie, by filing with the clerk of said court a written notice of such appeal, and upon receiving such notice, the said clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners, and person or persons claiming any interest in such land, embracing all persons so having received such notice from the said commissioners, as plaintiffs, and the said company as defendant; and the said court shall proceed to hear and determine said case in the same manner that other cases shall be heard and determined in said court, and all issues of fact arising therein shall be tried by a jury, unless a jury be expressly waived by both parties; but the appellant shall not be entitled to have the said case tried at any

Award.

Costs.

Appeal to circuit court.

Manner of trial, &c.

rm of said court unless he shall have given notice to
ıe appellee or his attorney, at least ten days before the
st day of the term, that he will demand a trial at such
rm, but in case the appellee has no known residence
attorney in the State, no such notice need be given,
ıt in all cases the appellee may waive such notice, in
hich case, the same rules for trial shall be applicable
it as to other cases in said court; after the hearing of
id case, the jury, or if a jury be waived, the court shall
sess the value of the land so entered upon, taken,
ssessed, occupied and used by said company at the
ne when the same was so entered upon and taken,
d after such assessment the court shall proceed to
ıder judgment against said company for the amount Judgment by court.
such assessment in favor of the plaintiff or plaintiffs
such case, and if the amount so assessed in favor of
:h plaintiff or plaintiffs, shall exceed the amount
arded by said commissioners, then judgment shall
rendered against said company for costs, and if it
ıll not exceed the amount so found by said commis-
ner, then judgment shall be rendered in favor of
l company for costs, and against the said plaintiff
plaintiffs and execution may issue accordingly;
ıer party in any such case after notice of an appeal,
ll have been filed as aforesaid, shall, on motion to
court to which the appeal is taken, in term time or
judge thereof in vacation, ten days' notice of said
ion having been given to the adverse party or his
rney, be entitled to a change of venue in such case Change of venue.
some other county in the State, but the change of
ue in any such case shall not be awarded more than
e, unless the second application be for some reason
cribed by law for a change of venue in other cases.
judgment of the circuit court in any such case
be reviewed on writ of error, as other cases at law.
enever the commissioners shall make an award as
esaid, and no appeal shall be taken from the same,
whenever in case of an appeal, a final judgment
l be rendered, it shall be the duty of the said com-
, and not before, to pay to the party entitled to the Payment of award, &c.
e, the amount of such award or judgment, and in
case in which there shall be any lien, incumbrance,
sale, tax title or equitable claim to or upon the
, or any part thereof, which is the subject matter
ıch award or judgment, or when more than one

person shall be entitled to, or shall set up any claim t the amount of such award or judgment, or any part o it, or where the person entitled to receive the same shal not have any known residence within this State, sai company may deposit the amount of such award, when there has been an appeal, with the clerk of the circui court, with whom the award in the case shall have been filed, and in case of an appeal and judgmen thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered, and the money so deposited, in either case, shall be paid over by order of the court to the person or persons who shall be adjudged by said court to be entitled to receive the same; and whenever the amount of such award or judgment shall have been *paid* or tendered or deposited as aforesaid, an abso*lute estate* in fee simple in such lands shall be and become vested in the said company, as against all persons so receiving notices from the said commissioners as aforesaid, and all such persons so having received such notice, shall be forever excluded from questioning such title so acquired by the said company. And the said company shall have full power and authority, after entering upon and taking any such lands, to have, hold, possess, occupy, use and enjoy the same, for any of the lawful purposes of said company, from the time of such entry and taking, until the proceedings contemplated by this act shall have been finally determined, and until said company shall on demand refuse to pay the value of said land, so to be ascertained as aforesaid, and they shall not during such time, nor until such refusal, be disturbed in such possession, occupancy, use or enjoyment, by any proceeding either in law or in equity.

When lands become vested in company, &c.

Witnesses.

SEC. 13. No person shall be incompetent to be a witness or give testimony in a suit or proceeding at law or in equity, in which the said railroad company shall be a party.

Transportation.

SEC. 14. On the completion of said railroad, or any part of it not less than three miles in length, it shall and may be lawful for the company to demand and receive such sum or sums of money for transportation of persons or property, and the storage of property, as they shall from time to time think reasonable.

SEC. 15. If any person shall willfully and knowingly injure or destroy the railroad, so (as) to be constructed by said company, or any part of it, or any buildings or fixtures appurtenant to said road, and belonging to said company, or shall willfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending shall each of them for every offence forfeit and pay to said company the sum of fifty dollars, and in case any damage shall ensue an additional sum equal to three times the amount of damages caused by such offence, which may be recovered in the name of said company by action of debt in any court, having competent jurisdiction in the county where the offence shall be committed, and shall also be deemed guilty of a misdemeanor, and be subject to indictment and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court. Injury to road —how punished.

SEC. 16. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the State, shall be received [as] evidence thereof in all cases, and this [act] shall take effect and be in force from and after its passage. Public act.

Approved March 7, 1857.

Chapter 381.

An Act to relieve Henry K. White and Chancey P. King.

Whereas, Henry K. White and Chauncey P. King, did on the 10th day of March, A. D. 1854, purchase from the United States the south-east quarter of the north-east quarter of section 13, township 6, range 10, in Dane county, and in the Milwaukee Land District, and did at the same time receive from the register of the United States Land Office at Milwaukee, the usual duplicate certificate of purchase and entry thereof; and whereas by a mistake of the said register, the said entry and purchase was not noted in the books of the office of the said register, whereby the said land continued Act for relief of White & King.

after such enty and purchase, to appear unentered, and in consequence was subsequently conveyed by the United States to the State of Wisconsin, under the "Swamp Land Act" so called; Now therefore,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor authorised to issue a patent.

SECTION 1. The governor is hereby authorized to execute in due form a patent conveying in fee to the said Henry K. White and Chauncey P. King, all the right, title and interest of the State of Wisconsin in and to all of the aforesaid land, upon payment by said (Whiton) [White] and King, of one dollar and a quarter per acre for said land and the usual fees in such cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 382.

An Act to incorporate the Shawanaw Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That John Bradley, Timothy F. Strong, Samuel F. Johnson, George R. Andrews, Martin C. Bradley and Stover Rhines, their associates and assigns, are hereby constituted a body corporate and politic by the

Style.

name and style of the Shawanaw Manufacturing Company, by which name said company shall ever be

Capabilities.

known, and by which name shall be capable, in law and in equity, of contracting and being contracted with, suing and being sued, pleading and being impleaded with, answering and being answered unto, prosecuting and defending, in all courts of law or in equity, in all places and in all manner of actions and cases whatsoever, and may have and use a common seal, and the same break or alter at their pleasure, and may purchase and hold, lease and convey, or in any manner dispose of estate, real personal or mixed, for the use and benefit

of said corporation, and may generally do and perform all and singular the acts and matters which to any corporation may lawfully appertain to do and perform for the well being and advantage of said corporation.

Capital stock.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the above named persons, or a majority of them, are hereby authorized to cause books to be opened for receiving subscriptions to the capital stock of said corporation, and shall subscribe the form of subscription, which books shall be opened at such time or times, and place or places, as they may deem expedient; and so soon as six hundred shares shall be subscribed for, and five per cent of the amount thereof be actually paid in, the said corporation shall be authorized to proceed to a full and complete organization of said company; and the said corporation shall have power to increase the capital stock to an amount not to exceed five hundred thousand dollars in the whole, by a vote of the majority of the board of directors at any regular meeting thereof.

Management by directors.

SEC. 3. The affairs and property of said corporation shall be managed and conducted by a board of five directors, who shall be stockholders in said corporation; a majority of whom shall form a quorum for the transaction of business, who shall be elected annually after the present year by the stockholders, at such time and place, and under such regulations as shall be prescribed by the by-laws, or adopted by resolution of the board of directors; and it shall be the duty of the secretary of said corporation to notify the stockholders of said company of the time and place of holding such annual meeting, in such manner as shall be prescribed by the by-laws of said corporation, and at all elections each stockholder shall be entitled to cast one vote for each share of stock held by him in said corporation, and may cast the same in person, or by proxy duly authorized.

Elections.

Election of directors.

SEC. 4. The first board of directors shall be elected by the subscribers to said capital stock, whenever six hundred shares shall have been subscribed for, and five per cent. thereon shall have been paid in, or as soon thereafter as said subscribers shall deem expedient, and the term of office of said first board of directors shall continue until the first annual meeting of said stock-

holders, and until their successors shall have been elected as aforesaid; and if, for any cause, any election shall not be had at the regular time prescribed as aforesaid, the same may be held at any other time, upon notice being given in such manner as shall be directed by the by-laws of said company, and this charter shall not be impaired or vacated by reason of any irregularity or want of any such election; and in case of any vacancy happening in the board of directors, by the death or resignation of any director, said vacancy shall be filled by the remaining members of the board, by the appointment of a director to fill the same.

By-laws, &c.

SEC. 5. The directors shall have power and authority to make such by-laws as they may think proper, respecting the management of the property, concerns, business, stock, government and powers of said corporation, and exercise all the powers which may be prescribed by such by-laws, not inconsistent with the constitution and laws of this State; they shall also have power, from time to time, to make such alterations or modifications of their by-laws as they may deem fit or necessary; to prescribe, by their by-laws or by resolution, the time, manner, and proportions in which the stockholders shall pay the amount of their respective subscriptions, and to forfeit to the use of the company, or to sell all stock, any portion of which shall be unpaid.

President.

SEC. 6. The board of directors shall, at their annual meeting, elect a president and such other officers as may be deemed necessary for the management and conduct of the business and property of said company, who shall hold their office for the term of one year and until their successors shall be chosen, and shall have power and perform such duties as by the by-laws of said corporation shall be prescribed.

May purchase, sell and manufacture certain articles, &c.

SEC. 7. The said corporation shall have power to purchase, sell and manufacture logs, timber, lumber, lath, iron and other manufactures of metal, marble, slate, and the quarrying of stone, and mining of ore, and to maintain, carry on, conduct and exercise such other manufacturing as they may deem proper for their benefit, advantage or convenience; and may purchase, acquire, manufacture and use any and all machinery, and any and all patent rights, necessary, convenient, proper or useful for such manufacturing purposes, quar-

rying and mining, or the prosecution of their business. They may erect and maintain all suitable buildings and machinery for such manufacturing purposes, on any land owned or to be owned by them, at or in the vicinity of Lake Shawanaw, or at any mine or quarry in this State or Michigan, and the said corporation are hereby authorized and empowered to erect and maintain one or more dams on the outlet of Shawanaw lake, and the Red river, emptying into Wolf river, at such point or points as they shall select; *Provided*, That if any such dam or dams shall flow back upon lands not owned by said corporation, they shall pay to such owner or owners of such lands the amount of damages occasioned by such overflowing, irrespective of any enhancement of the value thereof by the occasion of the erection of said dams, such amount of damages to be ascertained by a verdict of a jury, in an action of trespass, by such owner or owners, brought before the circuit court in and for the county of Shawanaw; and the said corporation is also authorized and empowered to erect and maintain a boom or booms, at such point or points on the said rivers as they may deem necessary, with sufficient piers, in such manner and form, and with such strength as will stop and hold all logs and other things which may float in said rivers, the property of said corporation; *Provided*, Such boom or booms, dam or dams, furnished with proper slides, shall not prevent the free passage of all logs, lumber and timber down said streams, not owned by said corporation. Proviso. Proviso.

Disposition of logs unclaimed, &c.

SEC. 8. Whenever any saw logs shall be bound and secured in any boom constructed or maintained by said company, and no person shall appear on behalf of the owners thereof, to claim the same, the said corporation may cause the logs to be sawed into lumber, and an accurate account, by measurement, kept thereof, and after deducting the usual rates of sawing, the balance of said lumber, or the proceeds thereof, shall be kept by said corporation, subject to the order of the owner. The said corporation shall keep in a book to be kept for that purpose, an accurate account of all logs so taken and sawed, and of all marks thereon.

May deliver notes, bonds, &c., in payment of money &c.

SEC. 9. The said corporation are hereby authorized, in their corporate capacity and name, to make, execute and deliver to any person or persons, trustee or body corporate or politic, bonds, notes, contracts or agree-

ments for the payment of money or delivery of lumber or any other personal property, and also mortages, deeds, with all covenants of any real estate by them held, owned or occupied, and to sell and dispose of any such bonds, notes, contracts and agreements for such price or consideration as they shall think fit. And the company is hereby authorized and fully empowered in its corporate capacity to borrow any sum of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, any law on the subject of usury in this State, or any other State where such transactions may be had, to the contrary notwithstanding; *Provided*, That nothing in this act shall be construed as to confer banking powers upon said corporation.

Proviso.

SEC. 10. This act is hereby declared to be a public act, and shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 383.

AN ACT to repeal Chapter 330 of the Private and Local Laws of 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. Chapter 330 of the private and local laws of 1856, entitled "an act to repeal chapter 276 of the private and local laws of 1854, entitled an act to drain Rush lake and for other purposes," is hereby repealed, and all acts and parts of acts repealed by said chapter 330, are hereby revived and declared to be in full force and effect.

Act revived.

Amendment to act revived by changing corporators.

SEC. 2. The said chapter 276 of the private and local laws of 1854, hereby revived, is amended by striking out all of the names mentioned therein, and inserting in lieu thereof, the following names, to wit: William Taggart, Flavins J. George, L. M. Parsons, N. G. Sturtevant. Either of the corporators mentioned in this act, shall have the power and authority to assign and transfer all their rights, powers and interest granted to them

by this act or that may be acquired under it, and the person or persons, to whom the same may be assigned or transferred, shall thereby acquire all the rights, power and interests of such grantor or grantors, both corporate and otherwise, as fully and effectually as if originally named in this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1857.

Chapter 384.

AN ACT to authorize the Town of Wautoma, in Waushara County, to purchase a certain Building and to levy a Tax for the payment thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisors of the town of Wautoma, in the county of Waushara, are hereby authorized to purchase the building situate on the east half of lot one, in block "I," in the village of Wautoma, known as the "Court House," and convey the same to the said county of Waushara, and to levy a tax of the sum, not exceeding five hundred dollars per year, for three years, to pay for such building; *Provided*, That such purchase shall not be made unless a majority of the electors of such town assembled in town meeting shall, at the next annual town meeting, vote for the same. Supervisors authorized to purchase a certain building. Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 385.

An Act to authorize the laying out of a State Road from Reedsburg, in Sauk county, to Lone Rock, in Richland county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route.

SECTION 1. C. P. Logan, Eli O. Rudd, and John Bear, are hereby appointed commissioners to lay out and establish a State road on the most direct and practicable route from Reedsburg, in Sauk county, by the way of Logansville, in said county, to Lone Rock, in Richland county, or such other point on the line of the Milwaukee and Mississippi railroad, as said commissioners shall deem most advisable and for the public benefit; *Provided*, That no money shall be paid out of the State treasury for the laying out of said road.

Proviso.

Expenses.

SEC. 2. The expenses of laying out said road, and the damages therefor, shall be adjusted and paid by the several towns through which said road may pass, in the same manner as is provided for the adjustment and payment of the damages and expenses upon the laying out of any road by the board of supervisors of said town.

SEC. 3. This act shall effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 386.

An Act to incorporate the Sheboygan City Hotel Company

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners to receive subscriptions to capital stock

SECTION 1. Warren Smith, John J. Brown, Charles T. Moore, Franklin R. Townsend, August Bintz, Van Epps Young, J. F. Kirkland, A. A. Gurry, and Z. P. Mason, be and are hereby appointed commissioners

under the direction of a majority of whom subscriptions may be received to the capital stock of the Sheboygan City Hotel Company, hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving three weeks notice of the time and place of taking subscriptions, in one or more public newspapers printed in said city.

Capital stock.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, in shares of fifty dollars each, and as soon as three hundred shares or more of stock shall be subscribed, and five per cent. paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Sheboygan City Hotel Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable of purchasing, holding and selling, leasing and conveying real estate, personal and mixed, as far as may be necessary and proper for the construction, management and usefulness of a first class hotel in the city of Sheboygan; they may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation.

Corporators.

Style.

Capability.

Management.

SEC. 3. The affairs of said company shall be managed by a board of seven directors, who shall be chosen by ballot, each share of stock being entitled to one vote; and votes to be delivered in person or by proxy duly authorized; which directors shall appoint a president, secretary and a treasurer, from their number; and for the purpose of electing the first directors, the said commissioners or a majority of them, after the stock shall have been subscribed as provided in the second section of this act, shall give three weeks' notice in one or more public newspapers published in said city, of the time and place by them appointed for the subscribers

Officers.

or stockholders to meet for the purpose of electing
rectors, and annually thereafter, on the second Wedn
day of January, the stockholders shall meet for ele
Proviso. ing directors as aforesaid; *Provided*, That none b
stockholders shall be elected directors.

Quorum, by-laws, &c. SEC. 4. A majority of said board of directors sh
constitute a quorum for the transanction of busines
they shall have power to make and establish such b
laws, rules, orders and regulations as may be necessa
for the management of the affairs of said company;
make such covenants, contracts and agreements w
any person or persons, copartnership or body poli
whatever, as they may deem expedient and for the
terest of the company.

In case of failure to hold election. SEC. 5. If from any cause an election for directo
shall not be held at the time specified therefor, th
same may be held at any other time upon ten days
notice being published as aforesaid; and until suc
election, the directors of the preceding year shall co
tinue to act, and the charter shall not be voided by rea
son of any irregularity or want of such election, an
case of vacancy from the death or resignation of a
director, his place may be filled by the board of dire
tors.

May borrow money, &c. SEC. 6. The said company are hereby authorize
their corporate capacity to borrow any sum or sum
money from any person or persons, corporation or
politic of any kind, and make and execute in the
porate name, all necessary writings, notes, bon
other papers, and make, execute and deliver, s
securities in amount and kind as may be deeme
pedient by said corporation for all purposes nece
in carrying out the objects of said company, and
official acts of said company are declared bindi
law and equity upon said corporation and upon all
parties to such contracts.

Public act. SEC. 8. This act is hereby declared to be a pu
act, and copies thereof printed by authority of
State shall be received as evidence thereof.

Approved, March 7, 1857.

Chapter 387.

An Act to vacate a portion of the Plot of a Village therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the plot of the village of Wisconsin, in the county of Columbia, reserved or designated for water-courses or hydraulic purposes, or intended to be reserved or designated for races, water-courses, or hydraulic purposes, is hereby vacated. Portion of a certain plat vacated.

SEC. 2. This act shall take effect from and after its passage.

Approved March 7, 1857.

Chapter 388.

An Act to authorize the Board of Supervisors of Door County to procure certain Records.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Door, are hereby authorized to cause to be transcribed into suitable books, to be provided by said board, records of conveyance of real estate in said county of Door, which have heretofore been recorded in the offices of the register of deeds of the counties of Brown and Manitowoc, and said transcripts when so made shall have the same validity as the original records, and copies of said transcribed records properly certified, shall have the same effect as testimony in any court or proceeding, as a certified copy of the original record would have. Board of supervisors authorized to procure certain records.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 389.

An Act to provide for laying out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners and route.

SECTION 1. E. B. Quiner, Jonathan Hall and William Brunquest, are hereby appointed commissioners to establish a State road from the town of Oconto, in the county of Oconto, to the Twin Islands, in the Menominee river, sections one and two, township 32, east range 22, by the most direct and practicable route.

Compensation.

SEC. 2. The said commissioners shall be allowed a just compensation for their services, to paid by the

Provisos.

counties through which the said road passes; *Provided*, That no compensation shall be paid for laying said road over any portion of the route where a road has been previously laid and established; *And Provided further*, That the commissioners shall be entitled to no compensation for laying said road, unless they shall have fully complied with the provisions of chapter 44, of the general statutes of the year 1853.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 390.

An Act to authorize the town of Port Washington and Belgium to aid in the construction of railroads.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Towns authorized to aid in construction of railroads.

SECTION 1. The respective towns of Port Washington and Belgium, in the county of Ozaukee, are hereby authorized on the conditions and for the purposes hereinafter mentioned, to issue the bonds of the respective towns for any sum of money not exceeding

in the aggregate for each town the sum of fifty thousand dollars.

Denomination of bonds, &c.

SEC. 2. Such bonds shall be signed by the chairman of supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars, or of one thousand dollars each; shall be payable at such place as the board of supervisors issuing them may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually, at not exceeding eight per cent. per annum.

Bonds may be delivered in payment for stock, &c.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors, for the benefit of the town, in the capital stock of any railroad company authorized to construct a railroad through such towns, or may be loaned to such company to be used in aid of the construction of such road.

Vote on issue of bonds.

SEC. 4. No such bond shall be issued, until a majority of the legal voters of the town, voting upon the question, shall have voted in favor of such issue. The election for that purpose, may be called by the supervisors of the town, or be ordered to be held on the day of the annual town meeting; but in either case, notice of the election shall be posted up in five public places in the town, and be published in every newspaper published in the county, for fifteen days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, the railroad for which they are to be issued, and whether they are to be delivered in payment of subscription for shares of stock for the town, or to be loaned in aid of the construction of the road. At such election, those voting in favor of the proposition, shall deposit a ballot containing the words, "for the railroad," and those voting against it, shall deposit a ballot containing the words, "against the railroad." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Before bonds are issued company to secure

SEC. 5. Before the supervisors shall issue and deliver any such bonds for either of the aforesaid purposes, the railroad company shall give security to the satisfaction

towns for faithful application of money.

of the supervisors, that the money arising from the sale of the bonds, shall be faithfully applied to the construction of such portion of the railroad as they may designate, most advantageous to their town, and that the railroad shall be completed to such point and within such time as they may deem it safe and expedient to require; and before any bonds shall be loaned to aid in the construction of any railroad, the railroad company shall, in addition, execute to the town the bonds of such company, corresponding in amount, in the time when and place where payable, in the rate of interest, and in other respects, with the bonds issued by the town, and shall execute to the treasurer of the town, for the benefit of the town, a mortgage to secure the payment of such bonds, upon such portion of their railroad as the supervisors may require, not less in length than one mile for each five thousand dollars of bonds so secured and conditioned, that the railroad company will pay the principal and interest as the same becomes due, of the bonds so executed to the town; but the payment by such company of the principal or interest of any of the bonds so issued by the town to the holders thereof, shall be deemed to be, and shall apply as payment of an equivalent amount of the bonds of such company so executed to the town, or of the interest thereon; the said mortgage shall include and be a lien upon the railroad, the right of way, the fixtures, and all the privileges and appurtenances belonging to it, whether already acquired or constructed at the time of the execution of such mortgage, or thereafter to be acquired or constructed; but it shall only be an equal and concurrent lien, to be satisfied proportionately with any other mortgage upon such railroad, for not exceeding ten thousand dollars per mile, which such company may execute, whether such other mortgage shall be executed prior or subsequently to the mortgage so given to the town; such bonds and mortgage so executed to the town, shall be deposited with the town treasurer; the supervisors may order the treasurer to deliver up the said bonds or any portion of them, on the surrender and cancelling of an equivalent portion of the bonds of the town so loaned.

Stock taken by towns irrevocably pledged.

SEC. 6. The shares of stock in such railroad company thus taken by any town, and all divdends arising therefrom, are hereby and shall remain irrevocably

pledged for the payment of the principal and interest of the bonds delivered therefor; but the supervisors may sell the same, if authorized so to do, by a vote of an annual town meeting of their town, and thereafter the proceeds of such sale, and the interest thereof, shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, after deducting the dividends due to their town, on its shares of stock.

Stock of towns not affected by mortgage, &c.

SEC. 7. The shares of stock so subscribed for, and held by any such town, shall not be in any manner affected by any mortgage, lien, or incumbrance given or obtained upon such railroad, and in case such railroad shall be sold, or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town, shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares in whosoever hands or control such railroad may be, as if no such sale or disposition had been made.

Railroad commissioner.

SEC. 8. The board of supervisors of each town, holding any shares of stock, shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers and all questions.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 7, 1857.

Chapter 391.

An Act to incorporate school district number one, in the town of Geneva, Walworth County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

School district incorporated.

SECTION 1. School district number one, in the town of Geneva, county of Walworth and State of Wisconsin, now known as such, with the following bounds, and containing land as hereinafter described, to wit: fraction of sections 3, 4 and 5; also fraction of sections 1 and 2 in the town of Linn; also fraction of sections 32, 28, 27, 26, 25 and 23 of the town of Geneva; also sections 33, 34 and all of the village plat of the village of Geneva; that is, such bounds and containing such lands as are now known and recognized as belonging to said school district number one, are constituted and shall hereafter constitute one school district under the name and title of the Geneva Union School District.

Style.

Powers.

SEC. 2. The Geneva union school district shall, when organized under the provisions of this act, be a body corporate with perpetual succession, and shall possess all the powers and receive all the benefits and enjoy all the rights and privileges conferred by law upon common school districts, and in addition thereto, the qualified voters when lawfully assembled shall have the power to elect annually, on the third Monday of September in each year, three directors, one clerk and one treasurer who shall constitute the district board of said district except as hereinafter provided.

Meeting of voters of district to elect officers.

SEC. 3. The clerk of school district number one of the town of Geneva, county of Walworth, or if he shall neglect or refuse, then any member of the present district board may, upon receiving notice of the passage of this act, call a meeting of the legal voters of said district at the school house therein, giving six days previous public notice thereof, and the legal voters when so assembled shall have power to elect three directors, one clerk and one treasurer, who shall hold their office until the third Monday of September, or until their successors shall be elected and qualified. They shall also have the power

to direct and cause to be raised by tax, or partly by tax and partly by loan, such sum or sums as a majority of said voters shall direct, not exceeding in all cases more than five thousand dollars. And the directors when authorized by a majority of the legal voters lawfully assembled shall have power to raise by loan any part of the above named sum, and to pledge the faith and credit of the district for the payment thereof, and all interest thereon accruing either by notes or bonds, and any sum so borrowed shall be used by the directors only for purchase of site, and the erecting of building or buildings thereon for the use and purpose of said union school; *Provided*, That all taxes voted to be raised, shall be levied and collected as by law provided for levying and collecting taxes in common schools.

To raise money by tax or loan.

Proviso.

SEC. 4. The directors shall have power to sell any property now belonging to said district, either personal, real or mixed, and to grant full title and release of the same when authorized by a majority of the legal voters of said district, and apply the proceeds toward the erection of a new building for common schools in the said district.

May dispose of property now belonging to district.

SEC. 5. All contracts shall be in the name of the Geneva union school, and to be valid and binding, shall be signed by a majority of the directors and countersigned by the clerk; orders on the treasury shall be signed by the clerk and a majority of the directors, and no money shall be drawn from the treasury except on orders so signed.

Contracts.

SEC. 6. The general duties of the clerk, treasurer and directors shall be the same as like officers of a common school district, and they shall be required to give like securities, and shall be subject to like penalties as those of common school districts.

Duties of officers.

SEC. 7. The directors shall have power, and they are hereby authorized, when directed by a majority of the legal voters, to erect and forever maintain a school house for the purpose of a common school or union school, on the public square on the north side of the outlet of Geneva lake, in said village of Geneva, and the said district shall have an interest and right in said public square, as may be deemed necessary and proper for the object aforesaid.

Erection of school house—location.

SEC. 8. Should a loan be perfected by the directors of said union school district under the provisions of this

Manner of paying loan, &c.

act, all the taxable property thereof, and all that may thereafter be added or annexed to said district shall be holden for the faithful payment of the interest and principal of the money so loaned, and it shall be the duty of the school board to assess and collect, (should there not be a sufficient amount of funds in the treasury,) in the manner provided by law for the collection of school district taxes, without a vote of said district, a tax sufficient to pay the interest and principal according to the condition of such loan.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 392.

An Act amendatory to the charter of the village of Sauk City, and additions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment by establishing fire department.

SECTION 1. The president and trustees of the village of Sauk City, and the additions attached thereto, are hereby authorized to establish a fire department, by the name and style of the Fire Department of the village of Sauk City; and said department shall have power to make such constitution and by-laws for its government as it may deem proper; *Provided*, That the same are not inconsistent with the laws of the United States and of this State.

Proviso.

To provide fire apparatus and adopt rules for prevention of fires.

SEC. 2. The said president and trustees shall have power to provide all necessary apparatus for the extinguishment of fires; to regulate the storage of gunpowder and other dangerous materials; to direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens, to enter into, at reasonable times, and examine all houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as are in a dangerous condition to be put in a safe condition; to regulate the manner [of] (in) put-

ting up stoves, stove-pipes and chimneys; to prevent the use of fire-works and fire arms within the limits of said village and additions, and to take such measures as they may deem proper to prevent fires; to compel the inhabitants of said village and additions to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire or fires as shall be directed by those trustees who may be present at the fire, for the purpose of preventing its communication to other buildings; and any building so destroyed shall be paid for by the said corporation of Sauk City and additions, and the damage so accrued shall be ascertained by three disinterested persons, in writing, under oath, and shall be raised by taxes, to be levied on the taxable property of said village and additions in the next assessment roll; *Provided*, That no damage is to be paid by the said corporation, if the said fire department should break down or raze any building which is on fire, or which, by the utmost exertions, could not be saved. Proviso.

To extinguish fires, abate nuisances, prevent riots, &c. &c.

SEC. 3. The president and trustees of the said village and additions shall also have power to establish measures of prudence for the prevention or extinguishment of fires,] abate and remove nuisances, and take such measures for the public health as they may deem proper; to prevent any riots, noise, disturbance, or disorderly assemblages; (impress) [suppress] and restrain disorderly houses or houses of ill fame, shows and exhibitions; to direct the location and management of all slaughter houses and markets and fairs; to prevent the incumbering of the streets, sidewalks or public grounds with carriages, wagons, carts, sleighs, boxes, lumber, stone, firewood, or other materials or substances whatever; to restrain drunkards, immoderate drinking, or obscenity in the streets or public places, provide for arresting, removing and punishing any person or persons who may be guilty of the same; to protect trees and monuments in the village; to establish the grade of all streets in said village and additions.

Penalty for violation of ordinances

SEC. 4. In all cases in relation to which by the provisions of this act the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding

fifty dollars for any one offence in violation or non-observance thereof.

Suits and process.

SEC. 5. On all suits for the violation of any ordinance of the president and trustees of said village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally in debt, with reference to the ordinance under which the action is brought; the defendant may plead the general issue and give the special matter in evidence, and a copy of an ordinance, certified to by the clerk of the said village, or published in a newspaper by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance.

Publication of ordinances.

SEC. 6. Any ordinance, regulation, rule or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall be published four successive weeks in a newspaper printed in said village, or by posting up, for the same time, three copies thereof, at [the] most public places in said village, before the same shall be in force; and all fines and forfeitures, when collected, shall be paid into the treasury of said village for village purposes.

No person an incompetent witness, juror, &c.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village or additions, in any action or proceeding in which said village is a party or interested.

Tax to procure fire engine.

SEC. 8. The legal voters of the said village of Sauk City and additions may, at any regular or special meeting, vote such amount of taxes to be levied on the taxable property of the said village and additions as they may deem proper, for the purpose of procuring a suitable fire engine, fire apparatus, and for other corporation purposes.

Members of fire department.

SEC. 9. The members of the fire department shall be exempt from poll tax and as jurors in all cases, and it shall be the duty of the secretary of the said fire department, to make out and deliver to the chairman of the town of Prairie du Sac, every year, before the first day of November, and to the town clerk of said town, every year, before the second Monday in April, a list of the members of said department, certified under oath, and the said chairman shall not take any name from said list as grand or petit juror, and the town clerk, in making out the road tax lists, shall not assess any poll tax against any such member.

SEC. 10. All present and future additions to the village of Sauk City shall be subject to the provisions of the charter, with amendments, of the village of Sauk City and additions. Additions to village.

SEC. 11. This act is hereby declared to be a public act, and the same shall, in all courts and places, be regarded benignly and favorably for every beneficial purpose hereby intended. Public act.

Approved March 9, 1857.

Chapter 393.

An Act to incorporate the Capitol Fire and Marine Insurance Company of Madison, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of the "Capitol Fire and Marine Insurance Company," and by that name shall have perpetual succession, and shall have all the privileges, franchises and immunities incident to a corporation; they may make, have and use a common seal, and alter, break and renew the same at pleasure; and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, contract and be contracted with, and generally may do and perform all and singular, the matters, acts and things which to any like corporation it shall lawfully appertain to do and perform, for the well being of the corporation and the lawful transaction of its business. Corporators. Style. Corporate powers.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; the payment of the stock subscribed, shall be made and computed Capital stock.

by the subscribers respectively, at the times and in the manner following, that is to say, after the election of directors, and before the company shall go into operation: There shall be paid into the treasury of said company five dollars upon each and every share of stock subscribed, and the balance upon each share subscribed shall be subject to the call of the directors: and the said company shall not be authorized to make any contract or policy of insurance, or otherwise proceed in the transaction of its business until one thousand shares of the capital stock thereof shall be subscribed, and five per cent. thereon actually and in good faith paid in, and the balance of the whole amount subscribed secured by approved notes, hypothecated stock of mortgages on real estate, to the satisfaction of the board of directors.

Payment on shares, &c

Management by directors.

SEC. 3. The business and affairs of said company shall be managed by nine directors, and such other officers and agents as the said directors may from time to time appoint; the directors shall be stockholders, and shall be chosen as hereinafter provided. The directors first elected, shall immediately thereafter, divide themselves by lot, into three classes, of three each; the term of office of those directors constituting the first class, shall expire on the first Monday of February following their election; the term of office of those constituting the second class, shall expire on the first Monday of February in the following year thereafter; and the term of office of those constituting the third class, on the first Monday of February in the following year thereafter; *Provided*, That nothing herein contained shall prevent the re-election of a director, and that all directors shall hold their offices until their successors shall be duly elected; an annual election for three directors shall be held on the first Monday of February in each year, at such place in the city of Madison as the board of directors shall appoint; the polls of such elections shall be opened at such hour, and remain open for such length of time as the board of directors shall by its by-laws, or by resolution direct. Notice of such election shall be given in some public newspaper published and circulated in the city of Madison, at least two weeks previous to such election, which notice shall specify the time of opening and closing the polls thereof; such election shall be held

Classification of directors.

Proviso.

Elections.

under the direction of three inspectors who shall be stockholders, and shall be appointed by the board of directors, who shall make and file in the office of said company, a certificate showing the number of votes received by each person voted for, and stating who are elected directors; and directors shall be elected by a plurality of the votes of the stockholders present, and voting at such election, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock held by him or her. The term of office of the directors elected after the first election shall be three years.

President and other officers.

SEC. 4. It shall be the duty of the directors on organizing, and annually thereafter, to choose from their number a president and vice-president, and they may appoint a secretary and treasurer, and such other officers and agents as may be necessary for the transaction of the business of the corporation. In the absence or inability of the president, the vice-president shall be authorized to perform all his duties.

Commissioners to receive subscriptions.

SEC. 5. Simeon Mills, Peter H. Van Bergen, J. C. Fairchild, F. G. Tibbitts, J. G. Knapp, A. A. Bird and N. H. Rich, are hereby appointed commissioners, under the direction of a majority of whom subscriptions to the capital stock of said company shall be received, and when so much of said stock shall be subscribed as is required in the second section of this act, the said commissioners, or a majority of them, shall cause the books for subscriptions to be closed, and shall call a meeting of the stockholders by advertisement, published at least one week previously, in a newspaper published in the county of Dane, stating the time and place at which such meeting shall be held; and the said stockholders shall, at such meeting, by ballot, elect the first directors of said company. The said commissioners, or so many of them as shall be present, shall act as inspectors of such election. In case it shall happen at any time that an election of directors shall not be made on the day when pursuant to this act it ought to be be made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day, to make and hold an election of directors in such manner as shall be regulated by the by-laws of said company.

Meeting of stockholders to elect directors.

Powers of insurance.

SEC. 6. The corporation hereby created, shall have full power and authority to make all kinds of insurance against losses by fire, and the perils of the water, in goods, wares, and merchandize and property, in the course of transportation, whether happening on land or on water; to make all kinds of insurance upon lives, and upon fruit and ornamental trees; and to make such other insurance upon ships, steam boats, and other vessels, and their cargoes, goods, wares and merchandize, produce, gold and silver coin and bullion; also on lumber, whether shipped by raft, floating, or by any other means of transportation; and the said company may, at all times when deemed prudent by them, cause themselves to be insured and reinsured against loss by fire, maratime and other risks, upon any interest which they may have in any vessel, ship or steam boat, their cargoes, goods, wares and merchandize, against all losses it may incur, by reason of any insurance by said company, whether by fire, the perils of the ocean, or seas, or inland navigation and transportation.

Stock deemed personal property.

SEC. 7. The stock of said company shall be deemed and shall be personal property, and shall be assignable and transferable according to such rules, regulations and restrictions as the board of directors shall from time to time make and establish, subject, however, always to any present or future general laws of this State.

Company may hold real estate

SEC. 8. It shall be lawful for the said company to purchase and hold such real estate as may be convenient for the use of its business, not exceeding one hundred thousand dollars in value; also, to take and hold any real estate as security, or any lien or mortgage therein, to secure the payment of any debt due to the company, either for shares of capital stock, or otherwise; also, to purchase real estate at any sale made by virtue of any judgment at law or decree in equity recovered by or made in favor of said company; to receive and take in satisfaction of any debt due the said company, any real estate, and hold the same to the use of said company as long as the interest of the company may be promoted by holding the same; said company shall not, however, employ any part of its capital stock in purchasing or selling goods, wares or merchandize.

SEC. 9. All policies of contracts of insurance which may be made by the said company, shall be subscribed by the president or vice president, and such other officers as shall be designated for that purpose by the by-laws of the said company, and attested by the secretary; and when so signed and attested, whether under seal or not under seal, shall be binding on the company according to the tenor, true intent and meaning thereof. Policies.

SEC. 10. It shall be lawful for the directors of said company to make dividends from time to time, of so much of the profits of said company as they may deem advisable; but the dividends shall not at any time exceed the clear profits made by the company, and the capital stock shall be and remain unimpaired; and if the said directors shall, at any time, knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action may be brought against them, or any of them, in any court of record in this State, by any creditor of said company, and each director present, when such dividend shall be made, shall be adjudged consenting thereto, unless he shall forthwith protest in writing, against such dividend, and request his protest to be entered in the minutes of said company, and within ten days thereafter, give notice to the stockholders of the declaring of such dividend, by advertising his protest in some newspaper published in the county of Dane. Dividends. Directors liable in certain cases.

SEC. 11. The office of said company shall be kept in the city of Madison. This act is hereby declared a public act, and shall be construed as such, and shall take effect and be in force from and after its passage. Location of office.

Approved March 9, 1857.

Chapter 394.

An Act to authorize the Treasurer of the Fox and Wisconsin Improvement Company to purchase in the name of the settlers thereon certain Swamp Lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Treasurer of Fox River Im. Co. authorized to purchase for settlers swamp lands.

SECTION 1. The treasurer of the Fox and Wisconsin Improvement Company, is hereby authorized to deposit with the State treasurer the purchase money, at the rate of one dollar and twenty-five cents per acre, for all such lands as were selected by the governor of this State for the improvement of the Fox and Wisconsin rivers, of even numbered sections, and subsequent to such selection have been patented to this State as swamp and overflowed lands, and occupied by actual settlers.

Money deposited in name of person occupying land.

SEC. 2. The moneys so deposited shall be in the name of the person or persons occupying said lands, who shall be entitled to a deed or patent from the State in the same manner as if purchased by virtue of the rights of pre-emption; *Provided*, That no person shall be entitled to receive more than one hundred and sixty acres.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 395.

An Act to incorporate the Powaikun Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

Style.

SECTION 1. Selden M. Bronson, James D. Doty, Frederick W. Horn, and their associates and successors are hereby incorporated, under the corporate name of the Powaikun Manufacturing Company, with all the

wers incident by law to a corporation; and the cap-
l stock of said company shall be one hundred thou- Capital stock.
nd dollars, divided into shares of ten dollars each,
th power to increase the same, by the consent of
ree-fourths of the stockholders, at any stated meeting,
an amount not exceeding two hundred and fifty
)usand dollars.

SEC. 2. The object of said company shall be, the Objects of company.
rchase of the real estate and water power known as
'hompson's Mill property," on sections nineteen and
enty, of township twenty-two north, of range sixteen
t of the fourth principal meridian, in this State, and
h other lands as may be for the interest of the com-
y to acquire, and to construct mills and machinery,
carry on any business to develop the value of their
te and property; *Provided*, The said company shall Proviso.
own or possess over five hundred acres of land at
one time, except the excess over that amount may
e been purchased at sales under judgments, decrees
nortgages in favor of said company, or acquired by
veyance to it in satisfaction of debt previously con-
ed in the course of its necessary dealings.

SEC. 3. The said company, in its corporate capacity, May borrow money and mortgage its estate to secure same.
borrow any sums of money from any person or
ons, corporation or body politic of any kind, at any
rate of interest, and it is authorized and fully em-
red to mortgage its real estate, property, rights,
eges and franchises, or any part thereof, or to exe-
und deliver any other writing, note, bond, or other
or securities, in amount and kind as may be
ed expedient by said company, in consideration
d loan, or in discharge of any liabilities that
y incur in carrying on the business of said
ny, and may dispose of and convey any por-
f its estate, when it shall be no longer re-
for the use or objects of said association;
so may enact such by-laws and appoint such
as the government and management of the
s of said company may require; *Provided*, Such Proviso.
s shall not be inconsistent with the laws of this
of the United States.

4. This act shall take effect from and after its

oved March 9, 1857.

Chapter 396.

An Act granting to William Ewen, the right to keep and maintain a Ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorised to keep a ferry and location of same.

SECTION 1. William Ewen, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the period of ten years of keeping and maintaining a ferry across the Wisconsin River, running between lot number four and section number twelve, and lot number four in section number thirteen, or between lot number one and lot number three in section number twelve, all in town number thirty-two north, and range six east.

Regulations.

SEC. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two horses or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for a single horse and vehicle, twenty-five cents; for a man and horse twenty-five cents; for cattle and horses in droves, ten cents each; and for hogs and sheep, five cents each, and for foot passengers ten cents each.

Toll.

No ferry to be licensed within two miles of above.

SEC. 3. No ferry shall be licensed within two miles of the point where the ferry above provided shall be established.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 397.

An Act to incorporate the Richland City Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. R. C. Field, A. Benton, L. W. Joiner, J. Corporators.
lsby, E. M. Sexton, D. B. Young and S. Davis, and
ir associates, together with such other persons as
ıy hereafter be associated with them, be and hereby
: created a body corporate and politic, with perpetual
:cession, to be styled by the name and title of the Style.
'ichland City Institute," by which name they and
ir successors shall be ever known; and shall have Powers.
wer to sue and be sued, to contract and be contracted
h, plead and be impleaded, to acquire, hold and convey
perty, real and personal, to have and use a common
l, to alter and revise the same at pleasure, to make
l alter from time to time such by-laws as they may
m necessary for the government of said institution,
officers and servants; *Provided*, Such laws are not Proviso.
onsistent with the constitution and laws of this
:e; also, to have power to confer on those whom
r may think worthy, such honors and degrees as
r comport with the objects of the institution.

EC. 2. The objects of said institute shall be the edu- Objects of Institute.
on of youth and adults of both sexes, and by in-
ction in the application of science to the various
cts of productive industry, to promote industrial
:ation; and the trustees may as their ability shall
ease, erect departments for this object anywhere in
village of Richland City or its vicinity, which they
deem necessary. The capital stock of [said] cor- Capital stock.
tion shall be five thousand five hundred dollars,
shall be divided into shares of twenty-five dollars
, which shall be deemed personal property, and
be transferable on the books of said corporation
ıch a manner as shall be directed by the by-laws
ıe said corporation.

:c. 3. Any three of the above named persons shall First meeting.
power to call the first meeting of the association

by giving ten days' notice thereof in at least three public places in the village of Richland City, by posting up notices of the same.

Election of trustees and their classification.

SEC. 4. At the first legally-notified meeting of stockholders shall elect nine trustees by ballot, three of whom shall be elected for one year, and three for two years, and three for three years: and after the first election, three trustees may be elected by the stockholders annually: *Provided always*, That all trustees shall hold their offices until others are elected in their places.

Proviso.

Each share entitled to one vote.

SEC. 5. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him.

Trustees to appoint officers, &c.

SEC. 6. That the board of trustees shall have power to appoint a president, vice president and treasurer, and such agents as they may deem necessary: also to appoint such officers, professors and teachers as the constitution and government of the institution may require, and prescribe their duties, and to remove any of them for sufficient reasons; also to prescribe and direct the course of studies to be pursued in the institution and its departments.

No test required, &c.

SEC. 7. The institution shall not be subjected to any party or denominational control, and no religious or other tests or opinions shall be required, to entitle any person to be admitted as a student in said institute.

Donations.

SEC. 8. The board of trustees shall faithfully apply all donations which they may receive, according to the will of the donor; and the treasurer of the institution shall, when required, give such bond for the security of the corporation, as the board of trustees may require and shall approve.

Bond of treasurer.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

[illegible]

Chapter 398.

An Act to incorporate the Oshkosh Hotel Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. David Evans, B. S. Henning, Benjamin Miner, L. M. Miller, and E. R. Baldwin, with such other persons as shall hereafter become subscribers to the capital stock of the Oshkosh Hotel Company, their successors and assigns shall be and are hereby declared and created a body corporate and politic, by the name and style of the Oshkosh Hotel Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places; hey shall be capable of purchasing, holding, selling, easing and conveying estate, real, personal and mixed, s far as may be proper and necessary for the construction, management and usefulness of a first class hotel, n the city of Oshkosh, with the usual and necessary out uildings and appurtenances; they may have a common eal, which they may alter or renew at pleasure, and enerally may do all and singular the matters and ings which to them may lawfully appertain to do for ie well being of the corporation. Corporators. Style. Powers.

SEC. 2. The capital stock of said company shall be ie hundred thousand dollars, divided into shares of ie hundred dollars each. The affairs of said compa- shall be managed by a board of three directors, ho shall be chosen by ballot, each share of stock being itled to one vote; the votes may be delivered in pern or by proxy, duly authorized; which directors shall point one of their number president, and for the purse of electing the first directors, the above named rsons, or any two of them, may give ten days notice one or more newspapers published in the city of hkosh, of the time and place by them appointed for e subscribers or stockholders to meet for the purpose electing directors, and annually thereafter on the Capital stock. Management by directors and their election.

second Monday in January, the stockholders shall meet for electing directors as aforesaid; *Provided*, That none but stockholders shall be elected directors.

Proviso.

Quorum, opening of books, by-laws, &c.

SEC. 3. A majority of said board of directors shall constitute a quorum for the transaction of business; they may immediately after the first election of directors, cause books to be opened at such time and place as a majority of the directors shall direct, for the purpose of receiving additional subscription to the capital stock of said company. They shall have power to make and establish such by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said company, to make such covenants, contracts, leases and agreements with any person or persons, copartnership or body politic whatever, as they may (be deemed) [deem] expedient and for the interest of the company.

In case of failure to hold election.

SEC. 4. If from any cause an election of *directors* shall not be had at the time specified therefor, the same may be had at any other time upon ten days notice being published as aforesaid; and until such election, the directors of the preceding year shall continue to act, and the charter shall not be voided or otherwise affected by reason of any irregularity or want of such election; and in case of vacancy from the death or the resignation of any director, his place may be filled by the board of directors.

May borrow and execute notes, bonds, &c.

SEC. 5. The said company are hereby authorized, in their corporate capacity, to borrow money from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name any necessary writings, notes, bonds, mortgages, or other papers; and make, execute and deliver such securities in amount or kind as may be deemed expedient by said corporation for all purposes necessary in the carrying out the object of said company; and the official acts of said company are declared to be binding in law and equity upon said coporation, and upon all other parties to such contracts.

Public act.

SEC. 6. This act is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof, and the same shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 399.

An Act to raise a special tax in the town of Kingston in the County of Marquette.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The town of Kingston, in the county of Marquette, is hereby authorized to levy a special tax of one thousand dollars per year for the term of five years to aid in the erection and completion of the Kingston academy in said county. Town authorized to levy a special tax.

Sec. 2. The said tax to be levied and collected as other taxes are, and paid to the treasurer of said academy upon the draft of the trustees of said academy; *Provided*, That no such tax shall be levied unless the qualified electors of said town shall at each annual town meeting vote in favor of said tax. Tax—how collected, &c. Proviso.

Sec. 3. The electors of said town shall vote by ballot, and the ballots shall be deposited in a special box provided for that purpose. At such election, those voting in favor shall vote a ballot with words inscribed thereon, For the Academy," and those voting against shall vote a ballot with the words inscribed thereon, "Against the Academy," and a majority of all the votes cast at such election shall be required to authorize such tax. Vote on levy of tax.

Sec. 4. The town clerk of said town of Kingston, shall cause written notices to be posted up for a time, not less than fifteen days previous to said town meeting by, in four of the most public places in said town, notifying the citizens of said town that such tax will be voted on at the ensuing town meeting. Notice of such meeting.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 400.

An Act to amend an act entitled "An act to provide for the remov... the County Seat of Buffalo county," approved March 4, 1857.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section one of an act entitled "An act to provide for the removal of the county seat of Buffalo county," approved March 4, 1857, is hereby amended by striking out the words, "That at the annual town meetings to be held in the several towns in the county of Buffalo on the first Tuesday of April, A. D. 1857"—and insert in place thereof the following: "That at the general election to be held in the several towns in the county of Buffalo in the month of November next."

Amendment. SEC. 2. Section three of the act to which this is amendatory is hereby amended, by striking out the words, "to elections or town meetings," and inserting in place thereof, the following: "general elections."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 401.

An Act to incorporate the Wisconsin Fruit Growers Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. That Charles Gifford, A. G. Handford, E. J. Stavin, Simeon Mills, R. W. Parker, R. N. Messenger, J. C. Brayton, Hans Crocker and Lemuel W. Weeks, their associates and successors, be and they are hereby

Style. incorporated by and under the style and name of the Wisconsin Fruit Growers Association, for the purpose of promoting, encouraging and improving the growth and propagation of the various varieties of fruits in

fruit trees, grape vines, &c., and the introduction of new species and varieties for general cultivation.

Corporate powers.

SEC. 2. That said Wisconsin Fruit Growers Association shall have power to adopt a constitution and by-laws not inconsistent with the laws of this State for the regulation of the association. To receive bequests and donations for promoting its objects. To levy and collect assessments on its members and enforce the collection of the same by suit. To purchase, receive, occupy, hold and convey any real or personal estate, which may be necessary to carry out the objects of the association, according to its constitution and by-laws; *Provided*, That the value of such real estate shall not, at the time of purchase or bequest, exceed the sum of ten thousand dollars. To elect officers, and appoint agents to transact their business. To manage and apply the funds, discharge the functions, and promote the objects thereof. To sue and be sued, plead and be impleaded, in any court in this State, and to use a corporate seal.

Proviso.

Call for first meeting.

SEC. 3. That any five of the persons named in the first section of this act, shall have power to call the first meeting, and to organize the association by giving ten days' notice of such meeting.

Approved March 9, 1857.

Chapter 402.

An Act to incorporate the Janesville Wood and Timber Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Thomas A. Woolliscroft, Elbridge G. Fifield, Arthur W. Bunster, Isaac M. Norton, Edward L. Dimock and J. W. Story, together with such other persons as may hereafter become associated with them for the purpose hereinafter mentioned, are hereby declared to be a body politic and corporate, by the name of the "Janesville Wood and Timber Company," and by that name shall have perpetual succession.

Style.

Corporate powers.

SEC. 2. The said Janesville Wood and Timber Company, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of this State, having competent jurisdiction; and shall have a common seal, and may alter the same at pleasure; and by the corporate name of said company, shall be capable of purchasing, holding, leasing, mortgaging and conveying any real or personal estate, rights or franchises whatever, which may be deemed necessary by said corporation to carry on the business for which said company shall be organized, or to carry into effect the provisions of *this* act; *Provided*, The real estate held by said corporation shall not at any one time exceed fifty thousand dollars.

Proviso.

Objects of corporation.

SEC. 3. The said company is hereby declared to be incorporated, and shall be organized for the purpose of doing a general business in the purchase, transportation and sale of fire wood and hard wood timber, and lumber in its various forms of its manufacture, to be floated, rafted or towed on Rock river; and for that purpose shall have the right to own, employ and use boats, barges and such other crafts, propelled by steam power, horse power, or otherwise, as may be necessary for the transportation of wood, timber and lumber, (or any articles manufactured therefrom,) along and upon Rock river, between the city of Janesville and the village of Jefferson, in Jefferson county; *Provided*, That said company shall not have the right to disturb or injure in any manner any mill dam on Rock river; and this act shall not be so construed as to prevent any person or persons from erecting and maintaining dams and improving water powers on any part of Rock river.

Proviso.

Capital stock.

SEC. 4. The capital stock of said company shall be twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each, and the commissioners hereinafter mentioned, shall organize said company as hereinafter directed, whenever five thousand dollars of the capital stock of said company shall have been subscribed for.

Management.

SEC. 5. The stock, property and concerns of said company shall be managed by a board of five directors, who shall, respectively, be stockholders in such company, and who shall, except the first year, be annually

elected by the stockholders in such manner as shall be directed by the by-laws of the corporation; *Provided*, That the said company's place of business shall be at the city of Janesville, and the annual meeting of said company shall be held at the office of said company, in said city of Janesville. Said corporation may be sued and served with process in the same manner now provided by law for suing and serving corporations. Proviso.

SEC. 6. Public notice of the time and place of holding such election shall be given in such manner as shall be prescribed by the by-laws of the corporation, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. Notice of election.

SEC. 7. All elections shall be by ballot, and each stockholder shall be entitled to one vote for each and every share of stock by him owned and upon which all assessment made by the directors as hereinafter provided have been duly paid, and the persons receiving the majority of votes shall be declared the directors, and when any vacancy shall happen in the board of directors, by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of said corporation. Elections to be by ballot, &c.

SEC. 8. In case it shall happen at any time that an election of directors shall not be made on the day fixed for such election by the by-laws of said corporation, the corporation shall not, for that reason, be dissolved; but it shall be lawful on any other day to hold an election for directors as shall be provided for by the said by-laws; and the directors in office at the end of any year shall continue to hold such office until their successors shall be duly elected. In case of failure to hold election.

SEC. 9. The board of directors, or a majority of them, shall have power at any regular or special meeting to make and prescribe such by-laws, rules and regulations respecting the management, control and disposition of the stock, property and business of such company as they may deem expedient and proper, not inconsistent with the constitution and laws of the United States, or of this State, and shall have power to appoint and employ officers, clerks and servants, for conducting and carrying on the business of such corporation, and determine the duties and the salaries and wages to be paid them. By-laws. Officers.

Payment of amounts subscribed.

SEC. 10. It shall be lawful for the board of directors to call in and demand from the stockholders respectively all such sums of money by them severally subscribed at such times and in such payments or installments as the directors shall deem proper; and if any stockholder shall fail to pay the amounts so required to be paid, and at the times required for such payments, the stock of such delinquent stockholder may be declared forfeited to such company, in such manner as shall be prescribed by the by-laws of such company; or the said corporation may commence and prosecute in any court of competent jurisdiction an action against any subscriber for stock in said corporation, and recover judgment for the amount due on his subscription with interest thereon, from the time the same was required to be paid and have execution therefor.

Forfeit of stock

Stock deemed personal property.

SEC. 11. The stock of said corporation shall be deemed personal property, and shall be transferable only on the books of the company, but no shares shall be transferable until all previous calls for installments thereon shall have been fully paid in.

Commissioners to receive subscriptions to capital stock.

SEC. 12. The persons named in the first section of this act, or a majority of them, shall be commissioners, under whose direction books shall be opened for subscription to the capital stock of said company, such subscriptions to be made at the times and in the manner directed by such commissioners, and when the amount of five thousand dollars shall have been in good faith subscribed, [the subscribers] for such stock shall proceed to elect by ballot five directors of said company, who shall hold their offices respectively until the first Monday of January, one thousand eight hundred and fifty eight, and until their successors shall have been duly elected.

Election of officers.

SEC. 13. The board of directors shall elect one of their number president of said company; they shall also elect a secretary and treasurer thereof, and may require of such officers such security for the faithful performance of their respective duties as may by said board of directors be deemed necessary for the interest of said corporation.

Quorum.

SEC. 14. A majority of the board of directors of any legal meeting shall constitute a quorum for the transaction of the business of the said company.

SEC. 15. All conveyances, leases and contracts executed by said company shall be signed by the president and secretary thereof, and shall be under the seal of said company, and may be acknowledged by said president and secretary, and recorded in the same manner and with the like effect as conveyances, leases and contracts from individuals. Conveyances, &c.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 403.

AN ACT to incorporate the village of Jefferson, in Jefferson county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the district of country included within the following lines, in the county of Jefferson, in this State, to wit: Beginning at the north quarter post of section number one, in township number six north, of range number fourteen east, thence running east, on the section line, two miles, to the north quarter post of section number three, thence south two miles, on the subdivision line, to the south quarter post of section ten, thence east, on the section line, two miles, to the south quarter post of section twelve, thence north, two miles, on the subdivision line, to the place of beginning,—are hereby created a body corporate and politic; by the name and style of the Village of Jefferson, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations pertaining to a municipal corporation. Village incorporated. Boundaries Style. Corporate powers.

Government vested in president and trustees.

SEC. 2. The government of said corporation and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a president, (who shall be *ex-officio* a trustee,) and four trustees, and such other officers as are hereinafter provided for.

Elective officers.

SEC. 3. The elective officers of said corporation shall be one president, four trustees, one marshal, one treasurer, and one assessor, to be elected by the qualified voters thereof, at the annual election of said corporation, to be held on the first Tuesday of May in each year, and shall hold their respective offices for one year and until their successors are chosen and qualified.

Elections and qualifications of voters.

SEC. 4. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein qualified to vote for town officers in the town in which said corporation is situated, and shall have resided in the village twenty days next preceding the election at which he may offer his vote, shall be entitled to vote in such village for any officer required to be elected by this act, and the person or persons having the highest number of votes shall be declared duly elected. Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the judges of election, or some one of them, before receiving the vote of any such person, shall require such person to take an oath, in addition to the oath required by any general law of the State, that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath, knowing it to be false, he shall be deemed guilty of willful and corrupt perjury, and on conviction thereof shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote more than once at any one election he shall forfeit and pay a sum not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered.

Challenge.

Oath.

Punishment for false oath.

under this act, in addition to the pains and penalties provided by any general law of this State.

Officers voted for.

SEC. 5. At the first and every subsequent election, the electors shall vote for one president, four trustees, one marshal, one treasurer, and one assessor.

First election and place of holding same.

SEC. 6. It shall be lawful for the inhabitants of said village, qualified to vote for town officers in the town of Jefferson, to meet at the court house in said village, on the first Tuesday of May, 1857, at one o'clock, P.M., for the first election of officers, and shall choose *viva voce* two judges of election, and one clerk, who together shall form an election board, and shall then and there proceed to the election of the said officers. The board of election before opening the polls, shall take and subscribe the oath required of judges of general elections, and after declaring the result of said election, deliver the same, together with all the papers appertaining to the election to the president elect, to be filed and kept in the office of the clerk of said village.

Judges and clerk of election, &c.

Polls.

SEC. 7. At all elections held under this act, all polls shall be opened at one o'clock, P. M., and continue open until four o'clock, and after the first election the trustees, or any two of them, and the clerk of said village, shall constitute the board of election.

President—his duty, &c.

SEC. 8. The president shall preside at the meetings of the trustees, keep the seal of the said corporation, sign all commissions, licenses and permits, which may be granted by the trustees; he shall maintain peace and good order, and see that the ordinances of the village are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer he shall have concurrent jurisdiction with justices of the peace of the county of Jefferson of all cases for the violation of any ordinance of said village.

Meetings of trustees.

SEC. 9. The president and trustees shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public; shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen at all reasonable times and hours; shall have power to preserve order and propriety in their proceedings; and may adopt such by-laws, rules and regulations for their own government, as are not inconsistent

with the provisions of this act, and shall have pow
compel the attendance of its members.

Peace officers. SEC. 10. The president, each and every trustee
shal, each any every justice of the peace, and const
of the town of Jefferson, shall be officers of the pe
and may command the peace, and suppress in a
mary manner all rioting and disorderly behavior,
manner consistent with the ordinances of said v
within the limits thereof; and for such purpose
command the assistance of all bystanders, and
be, all citizens; and if any person shall refuse
maintaining the peace when so required, eve
person shall forfeit and pay such price as m
scribed by ordinance of the village in such case
vided.

Marshal—his duty. SEC. 11. The marshal shall possess all the pow
and enjoy all the rights of a constable in the
Jefferson, and be subject to the same liabilities; sh
be his duty to execute and return all writs and pro
to him directed by the president; and when nece
in criminal cases, or for the violation of any or
of said village, he may serve the same in any
the State of Wisconsin. It shall be his duty
press all riots, disturbances, and breaches of
to apprehend all disorderly persons in said v
pursue and arrest any person fleeing from justice
part of the State of Wisconsin, to apprehend a
son in the act of committing any offence a
State, or the ordinances of the village, and for
bring such person before competent authority
mination; and for such services he shall rec
fees as are allowed to constables for like servic
marshal shall execute and file with the clerk a
for the faithful performance of his duty, in su
as shall be approved of by the trustees.

Treasurer—his duty. SEC. 12. The treasurer of said village shall
such duties and exercise such powers as may
fully required of him by the ordinances of said
all moneys raised, received, recorded and co
means of any tax, license, fine, forfeiture or o
under the authority of this act, or which belong
village, shall be paid into the village treasury, a
not be drawn therefrom except by a written order,
by the president and countersigned by the cl
order of the trustees; such order shall spec

amount of money to be drawn and its object; he shall keep a just and accurate account of all moneys and other things coming into his hands, as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the persons from whom, the amount of the several sums received, and the source from whence the said sums respectively arise, which said book at all reasonable times, shall be open to the inspection of electors of the village; he shall, as often as the trustees shall require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all moneys, books and vouchers in his possession, belonging to said village; he shall before he enters upon the duties of his office, execute to the president and trustees, a bond for the faithful discharge of his duties, to be approved by the trustees, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Clerk—his duty.

SEC. 13. It shall be the duty of the clerk to keep a record of the proceedings of the board of trustees, especially of the passing of by-laws, ordinances and regulations, and also a faithful record of all the proceedings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordained by the trustees; the records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of all proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same.

Oath of office.

SEC. 14. Every officer elected in said village, shall within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Special meetings.

SEC. 15. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days notice thereof in the newspaper of the village; every notice of a special meeting shall state the objects for which such meeting is called.

Fill vacancies.

SEC. 16. Any vacancy in the office of president, trustee, marshal, treasurer or assessor, may be filled at a special meeting, and in the manner prescribed in the preceding section.

General powers of president and trustees.

SEC. 17. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal, all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be, and to have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States, and of this State. And for these purposes, shall have authority by ordinance or by by-laws, to organize fire companies, hook and ladder companies; to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances of the real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall refuse to procure suitable ladders or fire buckets after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe condition; to regulate the manner of putting up stoves and stove-pipe; to prevent fires and the use of fire-works and fire-arms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down

Proviso.

Fire companies and apparatus for extinguishment of fires.

Measures for prevention of fires.

and raze such building in the vicinity of the fire, as shall be directed by the trustees or any three of them who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells, and other water-works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper;

To abate nuisances.

2d. To prevent, abate and remove nuisances, and to take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, market, privy, sewer or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village;

License shows, &c.

3d. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, under the ordinances or common law;

Gaming.

4th. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said village;

Riots.

5th. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows and exhibitions;

Markets, &c.

6th. To direct the location and management of all slaughter houses and markets;

Encumbering streets, &c.

7th. To prevent the encumbering the streets, side walks, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, fire wood or other material or substances whatever;

Horse racing.

8th. To prevent horse racing, immoderate driving or riding in the streets; to prevent the public exhibition of stallions, and to regulate the places of bathing and swimming in waters within the limits of the village;

Cattle, &c. at large.

9th. To restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the

distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal so going at large in violation of the laws of the village;

Dogs. 10th. To prevent the running at large of dogs, or to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or impose a tax on the same;

Putrid substance. 11th. To prevent any person from bringing, depositing or having within said village, any putrid meat or any unwholesome substance, and to require the removal of the same by any person who may have on his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons;

Boards of health. 12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation;

Bridges. 13th. To provide for the security and protection of bridges;

Driving on side walks. 14th. To prevent all persons riding or driving any horse or mule, cattle or other animal on the side walks in said village, or in any way doing any damage to such side walk;

Obscenity. 15th. To restrain drunkards, immoderate drinkers or obscenity in the streets or public places, and provide for arresting, removing and punishing any person who may be guilty of the same;

Police. 16th. To regulate the police of the village; to appoint watchmen and firemen, prescribe their duties and punish their delinquencies;

Monuments, &c. 17th. To protect trees and monuments in said village;

Rock river. 18th. To provide for cleaning out of Rock river drift wood and other obstructions in said village;

Grade of streets 19th. To establish the grade of all streets in the corporation, and to appoint a surveyor, and prescribe his duties, and fix his compensation, not to exceed the pay allowed by law to others for like services;

Liquor licenses. 20th. To grant licences for selling spirituous, vinous or fermented liquors; to regulate groceries, and

victualling houses, and to revoke the same for a violation of any ordinance of said village or the laws of this State; the sum to be paid for such licenses shall not be less than the amount fixed and provided by the laws of this State; said licenses to be for a term not less than one year; *Provided*, That the treasurer of said village of Jefferson shall, quarterly, on the first day of July, October, January and April of each year, pay to the treasurer of the county of Jefferson, the sum of ten dollars for each license so granted, which shall be in full for all license money required to be paid by said village of Jefferson to the county treasury. Proviso.

Penalty for violation of ordinances.

SEC. 18. In all cases in relation to which by the provisions of this act the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such time as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Jefferson county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Process for violation of suits, &c.

SEC. 19. On all suits for the violation of any ordinance of the village, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally, with reference to the ordinance under which the action is brought; the defendant may answer and give the special matter in evidence, and a copy of an ordinance published in a newspaper or pamphlet by authority of the trustees, or posted up as hereinafter provided, shall be *prima facie* evidence of the passage and publication of such ordinance.

Executions, &c.

SEC. 20. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance

under which the judgment shall have been rendered. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village.

Publication of ordinances, &c.

SEC. 21. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village, or posted up as hereinafter provided, before the same shall be in force, and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, shall be conclusive evidence of the publication and promulgation of such ordinances, regulation, rule or by-laws, in all courts and places.

No person an incompetent witness, &c.

SEC. 22. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Trustees to appoint street commissioner,

SEC. 23. The trustees shall have power to appoint one street commissioner, to lay out, open, and keep in repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers and side walks and cross walks; to insure the public property of the village; to direct in the prosecution and defence of suits in which said village may be a party; to procure the necessary blank books for records, and such other stationery as may be required for village purposes; to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same; to determine the compensation of the president, clerk, marshal, treasurer, assessors and street commissioner, subject to the provisions of this act; to levy and collect taxes on all such property as shall be subject to town and county taxes; *Provided*, That in any one year the taxes for corporation purposes shall not exceed one half of one per centum on the assessed valuation of taxable property in said village, unless two-thirds of the electors of said village, voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise more than one per cent. on the assessed valuation as aforesaid.

To insure village property, &c.

Proviso.

Auditing accounts.

SEC. 24. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and

when any such account shall be so audited, the trustees so auditing the same shall endorse thereon, or annex thereto a certificate, subscribed by them, of such auditing and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed shall be specified.

Accounts to be itemized and sworn to.

SEC. 25. No such account or claim shall be audited or allowed by the trustees until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct; that the services therein charged have been rendered; that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on or annexed to such account or claim, and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section; and the said trustees may examine the claimant on oath, as to the items in such account or claim.

Allowing account, &c.

SEC. 26. Nothing in the last preceding section, shall be construed to prevent the trustees from allowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Accounts to be numbered, &c.

SEC. 27. Every account or claim against said village, presented to the trustees in any year, shall be numbered from number one and upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Warrants.

SEC. 28. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records before such warrant shall be delivered to the claimant.

Treasurer to pay accounts.

SEC. 29. No such account or claim shall be paid except by the treasurer, on the warrant of the trustees, endorsed on or annexed to the account or claim, for which it shall be drawn.

Treasurer to file warrants, &c.

SEC. 30. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Grading and improving streets, &c.

SEC. 31. Upon the application, in writing, of two-thirds of the resident owners of lots or parcels of land upon any street or part of street, the trustees of said village shall have power to cause to be graded, gravelled, paved or planked, any street or part thereof, or the side walks on any street or part of street within said village, and to levy and collect a special tax on the lots and land bounding and abutting on such street or side walk, in proportion to the front or size of such lots, respectively, for the purpose of defraying the cost of the same, in addition to the ordinary tax authorized by this act, to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the trustees of said village, to provide by ordinance, for the assessing, correction and equalization of such special tax; and the property so assessed, shall be liable for the payment of the same; and in case any tax mentioned in this section, shall be returned delinquent, the proceedings for the sale of the lots or land so returned, shall in all respects be the same as in case of delinquency in the payment of the annual village taxes, with the addition of like interest, cost and penalty.

Application for sidewalks.

SEC. 32. When two-thirds of all the resident owners of real estate and lots bordering on one side of any such street or part of street, shall desire to have a sidewalk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such sidewalk shall be levied as prescribed in the preceding section.

Tax for the improvement of streets—how levied and collected.

SEC. 33. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing any sidewalk, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons and a description of the property taxed, and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times, not less than

twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials; *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner. Proviso.

To return tax list to street commissioners with a statement, &c.

SEC. 34. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement, verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures, also the taxes which remain unpaid, and the persons and descriptions of real estate or lots to which such unpaid taxes stand charged.

In making out duplicate assessment roll to enter taxes remaining unpaid.

SEC. 35. The trustees, in making out the duplicate assessment roll of said village next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid, and such taxes shall be collected in the same manner as the general taxes of said village are collected, and when so collected, shall be paid over to a street commissioner, on the order of the trustees, to be expended on the street or sidewalk for which they were originally assessed.

When to determine annual tax.

SEC. 36. The trustees shall, between the first Tuesday in May, and the second Monday in June, in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The assessors shall, within the time above limited, assess all property subject to taxation, and shall, on or before the first Monday of June in each year, deliver to the board of trustees of said village a full and complete roll thereof, which roll shall exhibit the description and value in separate columns, of the lands, lots and all other property chargeable with tax, in the said village respectively, together with the names of the owners thereof, so far as the same can be ascertained. The

Duty of assessors.

list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice, and all taxes paid during said forty days, shall be subject to a deduction of three per centum upon the amount paid.

Collect by distress.

SEC. 41. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattles of the person charged, giving six days notice of the time and place of such sale, by written notices, set up in three public places in said village.

Marshal to pay taxes collected to treasurer, and make return.

SEC. 42. It shall be the duty of such marshal within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him by reason of his being unable to find property in said village out of which he could collect the same; and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Unpaid taxes; treasurer to advertise land for sale.

SEC. 43. In case the tax upon any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter to make out a general advertisement, stating that all lots or other pieces of land upon which taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeably to the provisions of this act; said advertisement shall be published three weeks successively in a newspaper published in said village.

Sale of lands by treasurer.

SEC 44. On the day, and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act; and the treasurer shall give to the purchasers of any lot or lots of land a certificate of the lots or land purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed.

correct description thereof, for three months, in some newspaper published in said village, stating that all such lots or parcels of land will be forfeited, if the taxes, interest or charges upon the same are not paid before the day mentioned in such notice.

Charges.

SEC. 48. All lots or lands which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and each lot or piece of land which shall be sold as aforesaid shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and one-half cents; and one dollar for each conveyance executed in pursuance of this act,—the said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land shall be ten cents for each lot or parcel.

Tax subsequent to purchase.

SEC. 49. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase on such lot or piece of land, shall pay to the treasurer the amount of tax, with interest at the rate of twenty-five per centum per annum, for the benefit of the purchaser.

Improvement tax.

SEC. 50. All taxes levied and collected by the trustees of said village, for the purpose of repairing, grading or improving roads, streets or alleys in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected.

Street commissioners duty.

SEC. 51. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving and improving of streets, and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

In case of failure to hold election.

SEC. 52. If any election provided for in this act shall, for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any [other] time thereafter, by order of the supervisors of the town, otherwise by order

of the trustees of said village, of which time ten days public notice shall be given; and further, if any of the duties enjoined by this act at a time herein specified, or specified by any ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be done; *Provided*, That the officers so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as they would have been had not said power been conferred upon or exercised by the trustees.

Trustees may appoint and remove the following officers.

SEC. 53. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One chief engineer of the fire department, two fire wardens, and as many assistant wardens as they shall from time to time deem necessary, one surveyor, one sealer of weights and measures, sextons and keepers of burial grounds, and a street commissioner, and prescribe their duties and fix their compensation, under the provisions of this act, and to impose and enforce by law such penalties as to the said trustees may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees; *Provided*, That trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Road district, &c.

SEC. 54. The said village shall constitute one road district, and the street commissioner of said village shall be *ex-officio* overseer of highways, and all taxes for highway purposes, when unpaid, shall be returned and collected in like manner as other taxes herein before provided for.

School districts consolidated.

SEC. 55. The school districts and parts of districts within the corporate limits of the village of Jefferson are hereby consolidated, and shall hereafter constitute one district, for the better regulation and management of the public schools in said village.

Quorum, meetings, &c.

SEC. 56. A majority of the trustees shall be a quorum for the transaction of business; but a less number may meet and adjourn from time to time, until a quorum shall be present, but shall do no other business; and in the absence of the president, three trustees being present, one of their number may be appointed chairman *pro tem.*

SEC. 57. All notices, ordinances, orders, rules, by-laws or other instruments required by any of the provisions of this act, to be published in a newspaper printed in said village, may, instead thereof, be published by posting up printed or written copies in three public places in said village, at the time the same may be required as aforesaid to be published, which posting up shall (be,) to all intents and purposes, have the like force and effect as if the same had been regularly printed in a newspaper published in said village; and the affidavit of one person, setting forth the time and manner of such posting, shall be received as proof of the facts therein contained, in all courts and places. Publication of notices.

SEC. 58. The first election provided for in the sixth section of this act, may be held at any time after the first Tuesday in May next, and the persons elected at such first election, shall hold their respective offices for and until the first Tuesday in May next after such election, and until their successors are elected and qualified. First election.

SEC. 59. This act may be altered, amended or repealed by the legislature.

Approved March 9, 1857.

Chapter 404.

An Act to incorporate the City of Prescott.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER I.

SECTION 1. That from and after the first Monday in April next, all that section of country included in the west half of the west half of section fourteen, west half of the west half of section eleven, south-west fourth of the south-west fourth of section two, south half of the south half of section three, all of fractional sections of four, nine, ten and fifteen, to the centre of Lake St. Croix and the Mississippi river, adjoining said sections, in township twenty-six of range twenty west, being in the county Boundaries of city of Prescott.

term, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

First election —where held, &c.

SEC. 2. On the first Monday of April next, the qualified voters of said city shall elect one mayor, one treasurer, one police justice, which said officers shall be voters, qualified, resident in said city; and on the same day, and at the same places of holding said election, the said qualified electors shall also elect three aldermen, one justice of the peace, one constable, and one assessor for each ward. The aforesaid officers shall be residents of their respective wards for which they are elected. At the first election of said city, it shall be held at the court house, in the first ward, and at the district school house, in the second ward. The voters present shall have power to proceed by nomination and *viva voce* election of three inspectors and two clerks, whose duties shall be (after being sworn by any officer competent to administer an oath by the laws of this State) to see that said election shall be conducted in accordance with existing laws of the State of Wisconsin, and any fraud or violation of said laws, at said tion, shall be punishable as any violation of the election laws in any part of said State; and at every subsequent first Monday in April, elections shall be held in the several wards for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls, shall elect *viva voce* a sufficient number of inspectors to make three with the alderman (and) [or] aldermen present, who shall be sworn in accordance with the laws of this State. They shall appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return [one] of the said returns to the clerk of the city council, the other to the clerk of the circuit court of the county of Pierce. The mayor of the city, and

Inspectors.

Subsequent elections.

Clerks of election.

are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization; that you have resided within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Pierce.

Punishment for false oath.

Clerk to keep names of persons challenged.

SEC. 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, or inspectors as provided by this act, and returns thereof shall be made in the same time, form, and manner as of general or annual elections.

Special elections.

SEC. 8. There shall be elected at the first election under this act, one alderman in each ward, who shall hold his office for two years, and two aldermen who shall hold their office for one year; and at every annual election thereafter, one alderman in each ward, who shall hold his office for two years, and one alderman

Aldermen.

moneys, books, papers, and all effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this State.

Peace officers —their duty.

SEC. 11. The mayor, sheriff of Pierce county, each and every alderman, justice of the peace, constable and watchman, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies. If any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Police justice —jurisdiction, &c.

SEC. 12. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases in which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record; *Provided*, That nothing therein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to effect in any manner the powers or jurisdiction of the circuit or county courts of Pierce county. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city shall not be liable to said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinance of the city wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council. In case of the absence, sickness or other inability of the police

Proviso.

Fees.

In case of absence mayor

of the said laws, ordinances, regulations or by-laws, shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and, the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Nuisances—abatement and suits.

SEC. 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor; houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts of officers.

SEC. 6. The common council shall examine, audit and adjust the account[s] of the clerk, treasurer, street commissioner of each ward, and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the erm for which the officers of said city are elected or ppointed shall have expired. And the common council shall require each and every such officer and agent o exhibit his books, accounts and vouchers for such xamination and settlement, and if any such officer or gent shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of his section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, shall be the duty of the common council to declare the lice of such person vacant, and the common council hall order suits and proceedings at law against any ficer or agent of said city who may be delinquent or efaulting in his accounts, or in the discharge of his ficial duties, and shall make a full record of all such ttlements and adjustments.

CHAPTER V.

Opening of Streets, &c.

Laying out streets, squares &c.

SECTION 1. The common council shall have power to r out public squares, grounds, streets and alleys, and

Jurors to view premises and hear testimony.

SEC. 5. The said jurors, at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of jurors.

SEC. 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited therein.

Confirming report.

SEC. 7. Should the jurors report that it is necessary to take such premises, the common council shall enter in order among their proceedings confirming said report, and directing the same jurors within one month hereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess and return within the time limited, such damages and benefits to the common council.

To estimate buildings should there be any.

SEC. 8. If there should be any building standing in whole or in part, upon the lands to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Notice of determination to owners, &c.

SEC. 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks; such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by day to be therein named, or give notice of their election to the common council, either to accept the award

shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

Treasurer to make out delinquent list, &c.

SEC. 17. On or before the 15th day of February of each year, the said treasurer shall make out and return to the treasurer of Pierce county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, by the same time, make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year. The county treasurer shall add the interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

SEC. 18. The county treasurer shall sell all delinquent lands and lots returned from the city of Prescott, at the same time and in the same manner as other delinquent lands are sold in said county.

Lands exempt subject to special taxes.

SEC. 19. All real estate exempt from taxation by the laws of this State, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Lands within city limits used for farming purposes, how assessed.

SEC. 20. All lands lying within the city limits, used or kept for farming purposes, and not divided and laid out into lots, or lots and blocks, and all out lots not sub-divided and numbered by such divisions, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax.

Directions for assessing taxes &c. deemed only directing.

SEC. 21. All the directions hereby given, except in section nine of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, shall be deemed only directing, and no error or informality in the proceedings of any of the officers entrusted with the same, not effecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

CHAPTER IX.

Fire Department.

Council to prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the

ber of each company hereby authorized to be formed, shall be exempt from highway work, poll tax, from serving on juries, and from military duty during the continuance of such membership.

Meeting of firemen to nominate chief engineer, &c.

SEC. 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer and their assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire wardens.

SEC. 5. At the same time the members of said company shall nominate, and the common council shall appoint the same, two first fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, store house, or other buildings or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Fines that go to fire department.

SEC. 6. One half of the nett proceeds of all fines or penalties recovered for the breach of any ordinance, by-law, or regulation, made in pursuance of this chapter, shall be paid to the fire department.

Persons refusing to obey orders of chief engineer, &c. —punishment.

SEC. 7. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or direct, orally, the constable, watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner, such officers, or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly. And any person who shall refuse to obey any such lawful order, and who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifty dollars.

Sack company —their duty.

SEC. 8. The common council shall have power to organize a sack company, which shall be known as Sack Company, No. 1, to consist of not more than twenty members. Such company shall constitute a

SEC. 22. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 405.

An Act to incorporate the Village of Viroqua.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that section of country included in the west half of the south-west quarter of section 32, and the south half of the north-west quarter of section 32, and the south-east quarter of the north-east quarter, and east half of the south-east quarter of section 31, all in township 13, north of range 4 west; and also, the north-east quarter of the north-east quarter of section 6, and the north-west quarter of the north-west quarter of section 5, in township 12, north of range 4 west of the fourth principal meridian, in the county of Vernon, and State of Wisconsin, shall hereafter be known and distinguished by the name of the "Village of Viroqua," and the inhabitants residing, or who may hereafter reside within said limits, are hereby constituted a body corporate and politic by the name of the "Village of Viroqua," and by that name they and their successors, forever hereafter, may have perpetual succession; and shall be a person in law, capable of contracting and being contracted with, and of suing and being sued, in all courts and places. Boundaries of village of Viroqua. Style.

SEC. 2. It shall be lawful for the inhabitants of said village, qualified to vote at any general election, to meet at the court house in said village, on the first Tuesday of May, A. D. 1857, at 10 o'clock, A. M., and choose *viva voce*, two judges of election and one clerk, who, together shall form an election board, and then and there said inhabitants shall elect by ballot, a president, who shall be *ex-officio* a trustee, four trustees, one assessor, a clerk and a treasurer; *Provided*, That in case the officers aforesaid shall fail to be elected on that day, they may be elected at any time thereafter on Meeting to elect officers, &c. Proviso.

Chapter 406.

An Act to incorporate the Fond du Lac Academy.

he people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Robert A. Baker, James Ewen, D. E. askins, E. H. Galaway, G. F. Brownson, F. H. Waite,)bert Flint, M. J. Thomas and John B. Wibor, and ;ir associates, together with such other persons as ıy hereafter associate with them, be and are here- created a body corporate and politic, with per- ıual succession, to be styled by the name and title of Style.) Fond du Lac Academy; by which name they and ir successors shall be for ever known, and shall have power to sue and be sued, to contract and be con- ;ted with, plead and be impleaded, defend and be ended, in all courts of law and equity. Said corpo- Corporate powers. ion shall have a common seal, and shall have power acquire, purchase, use, receive, possess, hold and oy property, real and personal, and to sell and con- the same, rent or otherwise lawfully dispose of at ısure; *Provided*, The real estate owned by this cor- Proviso. ation, shall not exceed in the aggregate fifty thou- d dollars, to be used exclusively for the accommoda- of the said institution.

Stock.

EC. 2. The stock of said company shall be divided shares of ten dollars each, which shall be deemed ıonal property, and shall be transferable on the books aid corporation, in such manner as shall be direct- oy the by-laws of said corporation.

Calling of meetings.

EC. 3. Any three of the above named persons shall e power to call a meeting of said association, by ng ten days notice thereof, by posting up notices in east three public places in the city of Fond du , where said corporation is hereby located.

Election of trustees.

EC. 4. At the first legally notified meeting, the kholders shall have power to elect by ballot nine :ees, who shall be stockholders in said company, e of whom shall be elected for three years, and e for two years, and three for one year; and after first election, the three trustees may be elected by

Proviso. the stockholders annually; *Provided always*, That a trustees shall hold their offices until others are elected in their place.

Each share entitled to one vote. SEC. 5. At all elections and meetings of said company, each stockholder shall be entitled to one vote for each share owned by him.

General powers of trustees. SEC. 6. The trustees shall have power; 1st. To elect from their number a president, secretary and treasurer; also to elect all other subordinate officers of the corporation;

2d. To call special meetings of the stockholders, to fill vacancies in the board of trustees;

3d. To sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders; also to elect and keep in repair all necessary buildings for the use of said corporation;

4th. To employ suitable teachers, and prescribe and direct the course of study and discipline *to be observed* in said academy;

5th. To prescribe the duties, and fix the salaries of all the officers of said corporation, and to remove and suspend them from office, and to appoint others in their places;

6th. To make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State.

SEC. 7. This act shall take effect from and after its passage.

Approved March 9, 1857.

Chapter 407.

An Act to authorize the collection of a tax in the town of Bad Ax County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To collect tax of 1856. SECTION 1. The clerk of the board of supervisors of said county, is hereby authorized and required to ob-

om the town clerk of said town, or from whomsoever ay have possession thereof, the assessment roll of said wn of Bergen, for the year 1856, and to carry out erein or in a fair copy thereof, the amount of the ate and county tax for said year, apportioned to and argeable to the said town, together with five per cent. r expenses of collection, in the manner as nearly as ay be, provided by the statute relating to the duty of e town clerk upon the reception of the assessment ll. And it shall be the duty of the said town clerk, other person having possession of the said assess- nt roll, to deliver the same as above provided.

Warrant to sheriff to collect.

SEC. 2. The said clerk shall annex thereto a warrant, ected to the sheriff of said county, substantially in form prescribed in section 52 of chapter 15 of the ised statutes, requiring the said sheriff to collect the d tax, and on or before the 5th day of April next, to the money so collected to the county treasurer of d county, after deducting his fees; and the said rk shall sign and deliver the same to the said sheriff, ose duty it shall be to collect the same, pursuant to said warrant, and return the same to said county surer.

Sheriff's duty.

SEC. 3. The said sheriff shall thereupon perform all duties, and be subject to the requirements and reg- tions which would have devolved upon the town surer of said town, with the reference to the taxes aid town, for State and county purposes, for the year 6. And the delinquent taxes of said town remain- unpaid to the said sheriff or county treasurer (for e and county purposes) may be collected by sale of land, pursuant to statute, as if they had been only rned by the town treasurer of said town; but if the of land for taxes in said county shall be made in il of the year 1857, the delinquent taxes of the said n of Bergen as above mentioned, may be collected ne year 1858, at the sale of land, for taxes of the 1857.

SEC. 4. This act shall take effect and be in force and after its passage.

Approved March 9, 1857.

the district board of school district No. 1, of the town of Burlington, shall have like authority and power; and the legal voters, when so assembled, shall have the power to elect the officers of said union school as hereinafter provided.

May borrow money, &c.

SEC. 4. The directors shall have power, when directed by the legal voters of said district, to borrow money, not to exceed four thousand dollars, and to pledge the faith and credit of the district for the payment thereof, and all interest accruing therein, either by notes or bonds, and any sum so borrowed shall be used by the said directors only for the purchase of sites and the erecting of buildings thereon for the use and purposes of said union school.

Vote on levying tax.

SEC. 5. The legal voters of said union school district, as constituted by section one of this act, shall have power, when assembled as provided by section three of this act, to authorize the directors to raise by tax a sum not exceeding fifteen hundred dollars, and the directors shall cause the same to be assessed by their clerk upon the last equalized assessment of the property of said district, and they shall have the power to annex their warrant to the assessment roll so made out by said clerk, directing the treasurer to levy and collect the same within thirty days after the tax list so made out shall come into his hands, by the (directors) [distress] and sale of the property of the person or persons against whom the same shall be assessed, unless the same shall be paid before sale.

Contracts.

SEC. 6. All contracts shall be in the name of the Burlington Union School, and, to be binding or valid, shall be signed by a majority of the school board. Orders on the treasury shall be signed by the clerk and two directors.

Duties of clerk and treasurer.

SEC. 7. The general duties of the clerk and treasurer shall be the same as the clerk and treasurer of a common school district, and they shall be required to give like securities, and shall be subject to like penalties as those of common school districts.

Should a loan be perfected property of district pledged, &c.

SEC. 8. Should a loan be perfected by the board of said union school under the provisions of this act, all the taxable property thereof, and all that may thereafter be added or annexed to said district, shall be holden for the faithful payment of the interest and principal of the money loaned; and it shall be the duty of the

SEC. 3. Section two of chapter two of said act, is hereby amended by adding to said section as follows: "He shall have a vote in case of a tie only; and he shall have power to administer oaths for general purposes, and to take and certify the acknowledgment of deeds and other instruments in writing." To sec. 2, chap. 2.

SEC. 4. Section seven of chapter two of said act, is hereby amended by striking out the words, "but he shall not serve civil process in any case, unless the city is a party," and inserting at the end of said section as follows: "The marshal shall possess all the powers of a constable of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this State, may pursue and serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city or laws of this State, and forthwith bring such person before competent authority for examination, and for such service he shall receive such fees as are allowed to constables for like services. He shall appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and in case he shall neglect or refuse, within ten days after entering upon the duties of his office, to appoint such deputy or deputies, then the common council shall have power to appoint such deputy or deputies, who shall give a bond to the city with one or more sureties, in such sum as it may prescribe, for the faithful discharge of his duties; and no marshal shall hold any other city or county office, either by election or appointment." To sec. 7, chap 2.

SEC. 5. Section eleven of chapter two, is hereby amended by inserting after the word "marshal," the words "deputy marshal." To sec. 11, ch. 2.

SEC. 6. Section three of chapter three of said act, is hereby amended, by adding thereto, as follows: "27th. All that portion of Rock river within the boundaries of said city shall be under the exclusive jurisdiction of the said city and its council, and all bridges over the said river within the limits aforesaid, shall be under its juris- To sec. 3, chap. 3.

city is hereby fixed at two dollars each, for each day actually and necessarily devoted by them to the service of the city, and in the discharge of any of the duties of their respective offices required of them by law, and at the same rate for parts of a day."

SEC. 11. All the provisions of this act, to which this is amendatory, conflicting with the provisions of this act are hereby repealed. Repealing clause.

SEC. 12. This act shall take effect from and after its passage.

Approved March 9, 1857.

Chapter 410.

An Act to legalize the official acts of the town officers of the town of Rose, in Waushara county

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of the town officers of the town of Rose, in the county of Waushara, are hereby declared to be as legal and valid as if the said officers had respectively taken the oath of office before entering upon the duties of such office. Acts declared valid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1857.

Chapter 411.

An Act to amend chapter 237 of the private and local laws of 1855, entitled "An act to amend an act to incorporate the Dodge County Fire and Marine Insurance Company," approved April 2d, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said chapter 237 of the private and local laws of 1855, is hereby amended, by Charter amended by

Beaver Dam, and by that name only shall it be known in all its business and dealings; and an act entitled "An Act to incorporate the Dodge County Fire and Marine Insurance Company," approved April 2, 1853, shall be deemed, taken and construed as above and heretofore amended, and all the powers conferred upon said insurance company, by the several acts mentioned in this act, shall belong to and be exercised by the Wisconsin State Fire and Marine Insurance Company, with such further powers as are herein conferred.

Approved March 9, 1857.

Chapter 412.

An Act to authorize the erection and maintenance of a Mill Dam.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Persons authorized to erect a mill dam.

SECTION 1. It shall be lawful for John C. Hall, his heirs and assigns, and he or they are hereby authorized and empowered to apply to any justice of the supreme court of this State, in term time or vacation, for the appointment of three disinterested persons as commissioners to examine, adjudicate and determine, as to the necessity of authorizing, for the benefit and convenience of the public, and for the public good, the erection and maintaining or the keeping up and maintaining a dam on the west half of the north-west quarter of section (4) four, in town eleven, north of range fourteen, east, in Dodge county, at or near the present location of his mill dam, and also to examine, adjudicate and determine the height, that it is necessary that the said dam shall be erected and maintained, or kept up and maintained, for the benefit and convenience of the public, and for the public good. The said persons so appointed commissioners shall, after having been duly sworn for that purpose, by any person having legal authority to administer oaths, proceed to examine said premises for the purpose of adjudicating and determining, first, whether the necessity and convenience

Commissioners to determine the necessity of erecting such dam.

in which they shall award to the owner or owners of any such overflowed land or lands upon which the water shall be set back, or liable to be overflowed or set back, the amount of damages to which such owner or owners of said land or lands shall be entitled, by reason of the keeping up and maintaing, or erecting and maintaining said mill dam aforesaid; said commissioners shall meet within sixty days from the time of their appointment, (unless such time shall be extended by an order of the justice for cause shown,) to take their examination and award by virtue of this act, and the owner or owners of the said lands shall be notified to appear before them at the time and place of such meeting, and shall be entitled to be heard before said commissioners in regard to the amount of damages by them sustained, in consequence of the erecting and maintaining of said mill dam, or of keeping up and maintaining said mill dam; such notice shall, at least ten days before such meeting, be served personally, or by leaving a copy thereof at the residence of the owner or owners of said lands aforesaid; in case the owner or owners of said overflowed land or lands injured by the erecting and maintaining, or the keeping up and maintaining said dam, shall be non-residents of the said county, or in case the residence of any or either of them shall be unknown to the said John [C. Hall,] his heirs or assigns, then, and in that case, the commissioners last aforesaid, shall cause a notice to be published in one of the public newspapers of said county, four successive weeks previous to such meeting, which notice shall specify the time, place and object of such meeting.

Award of commissioners final unless appealed from.

SEC. 3. The decision and award of said commissioners mentioned in the second section of this act shall be final unless appealed from as provided for in this act, and the said award together with due proof of the service of the notice or notices upon the owner or owners of said lands, shall be filed in the office of the clerk of the circuit court of said county of Dodge, and shall be *prima facie* evidence of the regularity of said proceedings, and the said award shall be and remain a lien upon the lands of said John, his heirs and assigns, until the term of the circuit court of said county held next after the making of such report of damages, when, on a motion made by any party interested therein, a

any of its privileges, franchises or immunities, by reason of irregularity or want of any such election.

Quorum, meetings, &c.

SEC. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall prescribe; they may fill any vacancy which may occur in their own board; they shall appoint one of their own number to be president, and one vice president, who shall serve for one year, or until a new election of directors; the president, when present, shall preside at all meetings of the directors and stockholders; and in case of his absence, the vice president shall discharge the duties of president; and in case of the absence of the president and vice president, the directors present may appoint a president *pro tem.*, who shall discharge the duties of president during the absence of the president and vice president. The board of directors may appoint a secretary, treasurer, chief engineer, superintendent, attorney, and such other officers and agents as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts. The directors shall have power to re-open the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of any one or more of them, or under the direction of such person or persons as they may designate; to determine the amount of the first and all other installments to be paid from time to time on stock subscriptions, and to forfeit to the use of the company, or to sell the share or shares of any person failing to pay any installments, and all previous payments thereon; they may receive, take, and hold in payment for the stock of said company, any land, or other estate, either real, personal or mixed; and they may convey in fee simple, or any less estate, in any real estate so received, taken or held, and in any and all other estate of which they may be seized, or which they may occupy or possess, and they may also mortgage or pledge any of their estate, real, personal or mixed, in such manner and on such terms as the directors may think proper. The directors shall have power to establish and regulate their tolls and (charges) [charges] for the transportation of freight and passengers and the storage of freight, and to collect all such

President and vice president.

Other officers.

Re-opening books, installments, &c.

Tolls, contracts &c.

county as the directors shall determine; and the said company shall have the perpetual right, power and authority to transport, take and carry property and persons upon the said road by the power and force of steam, of animals, or any mechanical or other power, or of any combination of them, and from time to time to receive and store away any property in any of the depots, storehouses or warehouses of said company; and to make and constrct all such turn-outs, side-tracks and connecting tracks as they shall think will promote the interests of said company, and to erect, construct and use all such depots, station-houses, warehouses, car houses and shops, engine houses and shops, and all other fixtures necessary for the accommodation of said company, and its road and those using it; to manufacture or purchase and own rails, chains, spikes, engines, tenders, cars and all things necessary or useful for the construction and operation of a railaoad; and they shall have power to connect the said railroad with any other railroad, in this State, coming in contact therewith, and to operate the same in connection with such other railroad, by a consolidation of the stock of this railroad company with the stock of such other railroad company, upon such terms as shall be mutually agreed upon, by and between the said companies, or in any other manner. Transportation, warehouses, &c.

SEC. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon, by and between said company and any party of whom such money may be obtained, and to make, execute and deliver, in or out of the State, all necessary writings, notes, bonds, mortgages or other papers and securities amount or kind, as may be deemed expedient by said corporation, in consideration of any such loan, or discharge of any liabilities they may incur in the construction, repair, equipment or running of said road, or in any of the operations of said company authorized by this act; and the said company is hereby authorized, in its corporate capacity, to make, execute, issue and deliver its bonds or obligations in such an amount that all the bonds of said company outstanding, at any one time, will not exceed the capital stock of May borrow money and execute necessary bonds, &c.

to sell, loan, pledge, hypothecate or otherwise dispose of, any or all of the aforesaid bonds, hereby authorized to be issued at par, or at any price less than par, and for such sum or sums, and on such terms as the said company, or its said agents or brokers, shall appear most for the interests of said company. And the said company and its directors, officers and agents, are hereby authorized and empowered to have, exercise and enjoy all the rights, privileges and powers conferred upon them respectively, by this section, any law of this or any other State to the contrary notwithstanding.

Construction of road over public highways, &c.

SEC. 10. The said company shall have the right and authority to construct their said railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same be necessary, but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same to the owner or the public; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing the same as they may locate the said road, with all necessary abuttments, piers, or other foundations.

May enter upon any land for certain purposes.

SEC. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying, locating and determining the route of said railroad; and when the route of said railroad shall be determined by said company, by resolution adopted by the board of directors, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time to enter upon, take, possess, occupy and use any land along and including the line of said route, not exceeding one hundred feet in width, and it shall also be lawful for said company at any time to enter upon, take, possess, occupy and use any other lands, beyond said limits of one hundred feet, which the chief engineer [of said company] shall, in writing, to be signed by him, and recorded in the office of the register of deeds of the county in which such lands are located, certify and declare to be necessary for the use of said company, for the purpose of erecting depot buildings, station houses, freight houses, warehouses, engine houses, machine shops, or for buildings or fixtures of any kind, or grounds about the same, for

lands as aforesaid for any of the purposes aforesaid, the value of said lands shall be ascertained and determined as follows, to wit: The said company may apply to the judge of the county court of the county of Brown, for the appointment of three commissioners to make an appraisement and award of the value of the lands, to be paid by said company to the owner or person claiming an interest in each of the several pieces and parcels on the whole or any part of the line of said railroad so entered upon, taken, possessed, occupied or used as aforesaid for any of the purposes aforesaid; the said company shall give notice of their application for the appointment of such commissioners by publishing the same at least ten days before the time for hearing the said application, in a newspaper printed in the county of Brown, and upon proof of the publication of the notice, the judge to whom the application shall be made shall appoint three commissioners, who shall proceed to examne the premises, having first given such notice as they nay deem reasonable, to such owner, guardian or husband; and whenever it shall appear to the said company r its officers that the title to any such land is in dispute, r that several parties claim interest therein, by tax sales, ax titles, incumbrances, lien or equitable claims, the aid commissioners shall, upon request of said company, or its officers, give notice to all persons claiming ny interest in such land, whether as owners, incumrancers, or otherwise; and when the person to be nofied has no known residence in this State, the notice ay be by publication in a newspaper for such length time, not less than three weeks, as the commissioners all deem reasonable; and having first determined that was necessary to take such land, shall make such apaisement and award of the value of the land so entered upon, taken, possessed, occupied or used by the id company, for any of the purposes aforesaid, and all deliver one copy of their award to said company, d shall file another in the office of the clerk of the cuit court of the county in which such land all be, within thirty days after the notice to the ners of the [land,] and the costs of the award taxed on each of said copies; and if neither party shall peal from said award, in the manner hereinafter proed, the said circuit court, on motion of the party in or of whom any award shall be made for such value

Application for appointment and commissioners duty.

party in any such case, after notice of an appeal shall have been filed as aforesaid, shall, on motion to the court to which the appeal is taken, in term time, or to the judge thereof in vacation, ten days notice of said motion having been given to the adverse party or his attorney, be entitled to a change of venue in such case to any other county in the State, on affidavit filed stating the belief of the affiant that a fair trial cannot otherwise be had. The change of venue shall be to the nearest county where a fair trial can be had. But a change of venue in any such case shall not be awarded more than once. The judgment of the circuit court in any such case may be reviewed on a writ of error, as other cases at law. Whenever the commissioners shall make an awaad as aforesaid, and no appeal shall be taken from the same, and whenever in case of an appeal, a final judgment shall be rendered, it shall be the duty of the said company, and not before, to pay to the party entitled to the same the amount of such award or judgment; and in any case in which there shall be a lien, incumbrance, tax sale, tax title, or equitable claim to or upon the land, or any part thereof, which is the subject matter of such award or judgment, or where more than one person shall be entitled to, or shall set up any claim to the amount of such award or judgment, or any part of it, or where the person entitled to receive the same shall not have any known residence within this State, said company may deposit the amount of such award, where there has been no appeal, with the clerk of the circuit court, with whom the award in the case shall have been filed, and in case of an appeal and judgment thereon, the company may deposit the amount of such judgment with the clerk of the circuit court for the county in which such judgment shall have been rendered; and the money so deposited, in either case, shall be paid over, by order of the court, to the proper person or persons, who shall be adjudged by said court to be entitled to receive the same, and whenever the amount of such award or judgment shall have been paid, or tendered, or deposited as aforesaid, the title in such lands shall be and become vested in the said company for the purposes of said railroad, as against all persons so receiving notice from said commissioners as aforesaid;

Change of venue.

In cases where there shall be a lien, &c., amount of award to be deposited with clerk of court, &c.

SEC. 17. If the said company shall not commence the construction of said railroad within five years, and shall not complete the same within ten years from the passage of this act, then the rights, privileges and franchises hereby granted to said company shall be null and void, and of no effect. Time within which road must be commenced and completed.

Approved March 9, 1857.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE. }

The Secretary of State of the State of Wisconsin, hereby certifies, that the laws published in this book, have been compared with the original enrolled acts deposited in his office, and that the same appear to be correctly printed. Words deemed in the enrolled act to be erroneous, have been retained in the text, but enclosed in parenthesis, (*thus*). In the same manner, words apparently omitted have been supplied in brackets, [*thus*].

Witness my hand and the great seal of the
[L. S.] State at the Capitol, in Madison, this 20th day of July, 1857.

D. W. JONES,
Secretary of State.

PESHTIGO RIVER—boom across..... 200
PAOLI ACADEMY..... 355
PECKATONICA RIVER—dam across..... 377
PORTAGE COUNTY—taxes in..... 495
city of..... 958
to Baraboo, state road..... 439
to Mazo Manie, state road..... 610
bridge across Wisconsin river at..... 9
PORT WASHINGTON—village charter of..... 960
may aid a railroad..... 1028
POWAIKUN MANUFACTURING Co..... 1042
PLANK ROADS—Green Bay and New Franklin incorporated..... 367
Manitowoc, Two Rivers, and Michicott, to amend charter of.. 41
Manitowoc and Calumet, to amend charter of..... 41
North La Crosse and Mississippi river, incorporated..... 816
Oconto Falls and Green Bay, incorporated..... 574
Racine and Raymond, re-construction authorized..... 339
Taycheedah and Green Bay, act to divide..... 611
PLOVER TO WAUPACCA—state road..... 76
POYSIPPI TO WAUPACCA FALLS—state road..... 117
PARDEEVILLE TO STEVEN'S POINT—state road..... 803
PRIVATE AND LOCAL LAW—act to amend chapter 188, laws of 1856... 150
act to amend chapter 196, laws of 1856..... 889
act to amend chapter 265, laws of 1856..... 111
act to amend chapter 267, laws of 1856..... 150
act to amend chapter 366, laws of 1855 519
act to amend chapter 480, laws of 1856..... 814
act to amend chapter 516, laws of 1856..... 66

R.

RACINE REAPING AND MOWING MACHINE Co..... 70
&c., boundaries of towns of..... 103
and Raymond plank road..... 339
city charter of..... 561
Colonization Society..... 882
public schools of..... 979
Welsh Calvanistic society of..... 516
RED CEDAR RIVER—bridge across..... 87
state road to..... 439
ROCK RIVER—mill dam across..... 153
town of, may borrow money..... 532
RIVER FALLS ACADEMY..... 479
REEDSBURG—village of..... 524
to Fancy Creek, state road..... 93
Steven's Point state road..... 945
Lone Rock state road..... 1024
state road to..... 453
ROSE—town of, official acts legalized..... 1117
ROSENDALE—school district No. 4 in..... 802
RIPON AND WOLF RIVER R. R. Co..... 827
and Menasha R. R. Co..... 989
RUSH LAKE—act repealed..... 1022
RICH'S CORNERS—state road to..... 609

RICHLAND CITY INSTITUTE 1045
corners, state road to 118
RAILROADS—certain towns may aid 90
certain towns may aid 553
Air Line, Washington county loan 111
name changed 113
Arena and Dubuque, to amend charter 473
authorizing Plattville to aid 924
Beloit and Madison, authorizing towns to aid 892
Chicago, St. Paul and Fond du Lac, authorizing consolidation 95
authorized to take and hold property 1124
to amend charter of 189
to amend charter of 779
Chippewa valley, incorporated 633
Fox river and New London, incorporated 761
Fox Lake and Wisconsin river, authorizing certain towns to aid 909
Fourth Principal Meridian, amending charter of 844
Fond du Lac and Wankesha, incorporated 377
Galena and Southern Wisconsin, incorporated 798
Green Bay, Milwaukee and Chicago, name changed 980
Howard and Green Bay, incorporated 1123
Janesville, Fulton and Beloit, charter revived 32
Kenosha and Beloit, charter amended 385
and Rockford, may consolidate 41
La Crosse and Milwaukee, act in relation to amended 519
to amend act in relation to 745
La Cross, Trempeleau and Prescott, incorporated 54
Monroe and State Line, incorporated 113
Milwaukee and Fond du Lac Air Line, name of 152
to amend charter of 444
authorizing towns to aid 153
Milwaukee and Superior, charter amended 183
Milwaukee and Horicon, charter amended 773
authorizing certain towns to aid 546
Monteville and Black river, charter amended 798
Milwaukee and Chicago, relating to name of 831
Manitowoc and Fond du Lac, incorporated 944
Mineral Point and Portage city, charter amended 171
Neenah, Wolf River and Wausau, incorporated 436
North Western Wisconsin, incorporated 739
Oshkosh and Wausau, incorporated 1124
Oconto, incorporated 827
Ripon and Wolf River, certain towns may aid 989
Ripon and Menasha, incorporated 19
Sheboygan and Mississippi, authorizing Fond du Lac to aid 392
amend act authorizing Fond du Lac to aid .. 317
authorizing certain towns to aid 533
authorizing towns in Marquette county to aid 552
authorizing town of Ripon to aid 781
amending charter of 24
Sugar River Valley, to amend charter of 357
Sheboygan and Horicon, incorporated 458
Steven's Point, Tepeeotah and Manl.ato, incorporated 529
St. Croix and Lake Superior, charter amended 780
charter amended 95
Wisconsin and Superior, consolidation authorized 447
authorizing Neenah to aid 453
authorizing Appleton to aid 43
Winnebago, charter amended 64
Wisconsin Central, authorizing certain towns to aid 194
charter amended 194

Watertown and Madison, charter amended 77
extending line to Mississippi River 133
Western Wisconsin, incorporated 161

S.

SHEBOYGAN AND MISSISSIPPI RAILROAD—act relating to 19
act relating to 317
act relating to 392
act relating to 533
act relating to 592
act relating to 781

SHEBOYGAN CITY—may loan its credit 50
charter of 568
charter of 1001
Hotel company 1024
Falls 30
and Horicon Railroad company 357

SUGAR RIVER VALLEY RAILROAD Co 24

SHULLSBURG—town of 77
&c. town boundaries 344

ST. CROIX MANUFACTURING AND IMPROVEMENT Co 124
Lake, ferry across 647
Co., county court of 823
and Lake Superior railroad 529
and Lake Superior railroad 780

SUAMICO LUMBERING Co 158

SHOPIERE—school house in 339

STEVEN'S POINT, TEPEEOTAH AND MANKATO RAILROAD 458
to Western's Rapids, state road 783
state road to 43
state road to 803
state road to 945

STATE UNIVERSITY 908

SAUK Co.—certain towns in may aid railroads 926
state road in 801
city, charter of 1034

SHAWANO MANUFACTURING Co 1018

SUMNER—state road to 86
to Chippewa Falls, state road 118

SPARTA TO SUMNER—state road 86
county seat of Clark county, state road 115
state road to 147

SPRINGER'S POINT TO WAUTOMA—state road 115

SAXVILLE—state road to 116

SUPERVISORS—act relating to amended 814

SHEBOYGAN RIVER—act relating to amended 519

STURGEON BAY—state road to 807

SUPERIOR TO BAY CITY—state road 845

SCHOOLS IN RACINE—amending act relating to 979
in Watertown, amending act relating to 829
town superintendent of, in Trenton, acts legalized 799
Highland, may apportion money 144
Burlington, Union, incorporated 1112

WISCONSIN RIVER—bridge across at Portage City 1
Prairie du Chien 515
Kilbourn City 359
and Superior railroad company 35
and Superior railroad company 40
and Superior railroad company 453
Central railroad company 64
Central railroad company 154
Mutual Life Ins. company 195
Farmer's and Mechanic'i Club 337
Lumber company 430
State Ins. company 589
State Trust company 601
Lumber and Manufacturing company 840
Windmill &c., manufacturing company 933
Fruit Growers Association 1059
village, to vacate plat in 1027

WATERTOWN—taxes in 12
public schools in city of 629
state road to 506
city charter 873
city charter 1114
Young Men's Association 134
and Madison railroad 77
and Madison railroad 133

WESTFORD—new assessment in 17

WINNEBAGO R. R. CO 48

WINNECONNE, town of—may aid a railroad 99

WAUPACCA RIVER—to authorize dam across 134
county, nonpayment of taxes in 334
village charter of 615
county treasurer and clerk of 950
state road to 76
Falls—state road to 117
to intersect Wausau road, state road 782

WAUTOMA—town of 1023
state road to 115
union school 986

WOLF RIVER BOOM CO 135

WESTHILL ACADEMY 145

WESTERN WIS. R. R. CO 162

WELSH CALVINISTIC SOCIETY—of Racine 516

WOOD—assessment of taxes in county of 557

WHITE, Wm. A.—estate of 650

WAUPUN—village charter of 698

WAUKESHA—village charter of 842

WASHINGTON COUNTY—abstract of records 944

WILLOW SPRINGS—taxes in town of 998

WHITE, Henry K.—act for relief of 1017

WARREN TO GEORGETOWN—state road 436

WESTON'S RAPIDS TO ALMA—state road 813
state road to 782

Y.

YOUNG MEN'S ASSOCIATION OF RACINE 130
YELLOW RIVER IMPROVEMENT Co. 393

11254